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McGregor Range

Record of Decision and Resource Management Plan Amendment

Prepared for

United States Department of the Interior
Bureau of Land Management
Las Cruces District Office

MAY 2006

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2006

BUREAU OF LAND MANAGEMENT

The Bureau of Land Management is responsible for the balanced management of the public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principals of multiple use and sustained yield, a combination of uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness and natural, scenic, scientific, and cultural values.

BLM/NM/PL-06-09-1610

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Las Cruces District Office
1800 Marquess Street
Las Cruces, New Mexico 88005
www.nm.blm.gov

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IN REPLY REFER TO:

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Dear Reader:

In accordance with the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) has prepared this Resource Management Plan Amendment (RMPA) and Record of Decision (ROD) to address the management of public land within the boundaries of McGregor Range in southern Otero County, New Mexico. The RMPA amends BLM's 1986 White Sands Resource Management Plan (RMP) and replaces BLM's 1990 RMPA for McGregor Range.

The planning process to update the RMP was initiated in May 2001 with scoping, which included public meetings and other activities to identify issues to be considered throughout the analysis. At that time, the BLM also began an extensive data collection effort to characterize the existing condition of the environmental resources and resource uses on McGregor Range. BLM issued a Draft RMPA and Environmental Impact Statement (EIS) to the public in January 2005 for a review period of 90 days. Responses to the public's comments were incorporated into the Proposed RMPA/Final EIS, which was published in December 2005. BLM received no protests on the Proposed RMPA/Final EIS during the 30-day protest period, which ended on February 13, 2006. Concurrently, the Governor of New Mexico was provided a formal 60-day review period to comment on the Proposed RMPA/Final EIS, and BLM received no comments.

The ROD provides the approval for the RMPA, and was prepared in accordance with BLM's planning regulations at 43 Code of Federal Regulations (CFR) Part 1505.2, which require a concise document linking final land use plan decisions to the analysis presented in the Proposed RMPA/Final EIS.

The RMPA sets forth the management objectives and land-use decisions for managing resources and resource uses on withdrawn public land within McGregor Range. Land use plan decisions in the RMPA are effective as of the date of this ROD. Subsequent implementation decisions will be put into effect by developing implementation plans, such as activity-level or project-specific plans. These implementation decisions will require site-specific planning and additional analysis in accordance with the National Environmental Policy Act of 1969. Implementation decisions are subject to an administrative appeals process.

We appreciate your assistance in this planning effort and look forward to your continued participation as the plan is implemented. To obtain additional hard copies or CD-ROM versions of this document, or for additional information regarding this document or the planning process, please contact:

5-31-06

Tom Phillips, RMPA/EIS Team Leader
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Las Cruces, New Mexico 88005
(505) 525-4377

The ROD and RMPA also will be available on the BLM's web site, www.nm.blm.gov.

Sincerely,

Edwin L. Roberson

Edwin L. Roberson
District Manager

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2006

RECORD OF DECISION
AND
RESOURCE MANAGEMENT PLAN AMENDMENT

for McGregor Range in
Otero County, New Mexico

May 2006

U.S. Department of the Interior
Bureau of Land Management
Las Cruces District Office
Las Cruces, New Mexico

Approving Official:

Linda S.C. Rundell
New Mexico State Director

5/03/06
Date

TABLE OF CONTENTS

RECORD OF DECISION

1.0 Introduction 1
2.0 Decision 1
3.0 Alternatives 2
4.0 Management Considerations 3
5.0 Mitigation Measures 3
6.0 Plan Monitoring 3
7.0 Public Involvement 4

RESOURCE MANAGEMENT PLAN AMENDMENT

1.0 Introduction 6
2.0 Management Decisions 12
3.0 Management Plan Amendment Implementation and Adaptive Management 32
4.0 References 36

List of Tables

Table 1 Agency Responsibilities for Environmental Resource Management of McGregor Range 33
Table C-1 Applicable Major Laws, Regulations, and Policies C-1

List of Maps

Map 1 Decision Area and Planning Area 8
Map 2 Resource Management Decisions 14
Map 3 Visual Resource Management Classes and Special Management Areas 31

Appendix A – Best Management Practices
Appendix B – Title XXX, Military Land Withdrawals
Appendix C – Applicable Major Laws, Regulations, and Policies
Appendix D – Noxious Weed Management Plan

RECORD OF DECISION

RECORD OF DECISION

1.0 INTRODUCTION

The Bureau of Land Management (BLM) manages 606,233 acres of public land withdrawn from the public domain for military use on McGregor Range. McGregor Range encompasses a total of 694,981 acres of Federal land, which also includes 70,884 acres owned by the U.S. Department of Defense and 17,864 acres administered by the Forest Service. While recognizing the land use restrictions necessary to accommodate military uses, BLM's management actions on this withdrawn public land must remain consistent with the principles of multiple use and sustained yield as directed by the Federal Land Policy and Management Act of 1976 (FLPMA).

2.0 DECISION

The decision is hereby made to approve the attached Resource Management Plan Amendment (RMPA) for McGregor Range in southern Otero County, New Mexico. The RMPA amends BLM's 1986 White Sands Resource Management Plan (RMP) and replaces BLM's 1990 RMPA for McGregor Range. The approved RMPA is identical to the amendment set forth in the McGregor Range Proposed RMPA and Final Environmental Impact Statement (EIS) published in December 2005.

This RMPA was prepared under the regulations implementing FLPMA (43 CFR 1600) and with the intent that resources be managed to meet the New Mexico Standards for Public Land Health. An EIS was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) to assess the effects of implementing the RMPA. Management decisions apply to public land that is administered by the BLM Las Cruces District Office on McGregor Range. A detailed description of management decisions by resource is included in the attached RMPA. Key approved decisions include the following:

- **Livestock grazing**. Livestock grazing will continue on 14 existing grazing units as specified in Public Law (PL) 106-65. The RMPA directs that the grazing season of use will be determined on a unit-by-unit basis and BLM will be responsible for all grazing-related facilities and maintaining waters for wildlife on a year-round basis.

- **Recreation**. Public access will be allowed on McGregor Range through issuance of permits. Public vehicular travel will be limited to designated roads and trails except for 3,718 acres that will be closed to motorized vehicle use. In coordination with Fort Bliss, BLM will identify areas suitable for recreation and develop terms and conditions for that use.

- **Priority watershed and habitat management**. Watershed management plans will be developed for six areas warranting priority consideration for management. Two habitat management plans (HMPs) will be developed for a total of 205,109 acres in the Sacramento Mountains foothills and on grasslands on Otero Mesa.

- **Rights-of-way.** Two linear corridors will be designated to accommodate future utilities (e.g., power line, pipeline, fiber optics), and 171,948 acres will be identified as areas to be excluded from consideration for any type of right-of-way unless otherwise mandated by law (right-of-way exclusion areas).

- **Areas of critical environmental concern (ACECs).** The 3,718-acre Black Grama Grassland ACEC will continue to be maintained, and 220 acres will be designated as the Escondida Site ACEC to protect cultural resources.

3.0 ALTERNATIVES

3.1 Alternatives Considered but Eliminated from Detailed Analysis

The BLM initially considered several management strategies that were eliminated from detailed consideration throughout the planning process.

- BLM considered designating an area as an ACEC for black-tailed prairie dogs. However, although the ACEC would meet the agency's relevance and importance criteria, the BLM determined that the area did not require special management to avoid adverse effects on the black-tailed prairie dog habitat on McGregor Range. Rather, best management practices were established to avoid adverse impacts on the species from surface-disturbing activities. Conservation planning, research, and monitoring of the prairie dog population on McGregor Range has been and will continue to be conducted by both Fort Bliss and the BLM. Therefore, this ACEC was eliminated from further analysis during this planning process.

- Several ACECs for cultural resources were initially considered. However, only those cultural resources on public land that met the relevance and importance criteria and required special management were carried forward as part of the alternatives.

- Initially, four utility corridors (two north-south and two east-west) were considered. However, because of potential incompatibility of the corridors with activities occurring in the military training areas, the initial utility corridor locations were refined, resulting in the three utility corridors proposed in the alternatives in the Draft RMPA/EIS. Other segments of utility corridors were eliminated from detailed consideration.

3.2 Alternatives Considered in the EIS

A No-Action Alternative and three action alternatives were evaluated in the EIS. The key management decisions in each alternative are described briefly below.

- The No-Action Alternative represents the continuation of existing management plans, policies, and decisions as established in the 1986 RMP and 1990 RMPA for McGregor Range. Watershed management plans would be developed as identified in the 1990 RMPA. BLM would maintain the Black Grama Grassland ACEC (3,718 acres) and about 25,858 acres of vegetative sales areas. HMPs would be developed for antelope habitat areas and for the Sacramento Mountain foothills and basin habitats (a total of 606,232 acres). Motorized vehicle use on McGregor Range generally would be limited to existing roads and trails; about 40 acres would be closed to OHV use.

- Alternative A (BLM's preferred alternative in the Draft RMPA/EIS) would provide a balance of resource use and conservation consistent with public land health. Right-of-way exclusion areas (171,948 acres) and two utility corridors would be identified on McGregor Range. Watershed management plans would be developed for six priority areas. The Black Grama Grassland ACEC would be maintained, and the vegetative sales areas would be decreased in size (to 19,575 acres) due to the exclusion of Centennial Range. Two HMPs would be developed for the management of the Sacramento Mountains foothills and grassland habitat (a total of 205,109 acres). The Escondida Site is proposed as an ACEC (220 acres). Motorized vehicle use generally would be limited to designated roads and trails, although 3,718 acres[1] within the Black Grama Grassland

[1] Acreage that would be elosed to OHV use was ineorreetly identified as 3,936 acres in the Draft RMPA/EIS.

ACEC would be designated as closed to OHV use. A transportation and access plan would be developed within 5 years of the date of this Record of Decision.

- Alternative B would provide a greater emphasis on resource production and use. Three utility corridors would be identified. No watershed management plans or HMPs would be developed or maintained. The Black Grama Grassland ACEC would be eliminated, and the size of the vegetative sale areas would be increased. Motorized vehicle use generally would be limited to designated roads and trails with the exception of 40 acres that would be closed to OHV use. A transportation plan would be developed similar to Alternative A, but with an emphasis on maintaining and expanding access.

- Alternative C would provide a greater emphasis on resource conservation. Right-of-way exclusion (172,208 acres) and avoidance areas (434,023 acres) would be identified. Watershed management plans would be developed for six priority areas, similar to Alternative A. The Black Grama Grassland ACEC would be maintained, and vegetative sales would be prohibited. Alternative C allows for development of the same HMPs identified under Alternative A, but they would address larger areas (a total of 352,530 acres). Vegetative sales, livestock grazing, and recreation would not be allowed. The Escondida Site is proposed as an ACEC similar to Alternative A, and two additional areas would be managed as ACECs to protect historic and prehistoric resources (a total of 593 acres). Motorized vehicle use generally would be limited to designated roads and trails, except for 57, 256 acres within the Escondida Site and all ACECs, WSAs, and military impact areas that would be closed to OHV use. A transportation plan would be developed similar to Alternative A, but with an emphasis on limiting public access.

4.0 MANAGEMENT CONSIDERATIONS

Compared with the other alternatives, the RMPA provides the best balance between resource use and conservation consistent with BLM's policy guidance and requirements, including the multiple use and sustained yield mandate of FLPMA and the New Mexico Standards for Public Land Health. Relative to the No-Action Alternative, the RMPA contains management decisions that are expected to improve resource conditions, result in more consistent management of the recreation and public access programs, and promote public safety and resource protection on McGregor Range. The lack of watershed plans and elimination of an existing ACEC under Alternative B may have resulted in increased degradation of habitat and cultural resources. Although Alternative C would provide the most protection of natural and cultural resources, restrictions on access, recreation, livestock grazing, and vegetative sales would constrain BLM's ability to meet the objectives of multiple use and sustained yield in accordance with FLPMA.

5.0 MITIGATION MEASURES

BLM has developed a suite of best management practices (see Appendix A of the RMPA), which are designed to minimize surface disturbance and effects on resources and retain the reclamation potential of disturbed areas. The practices represent effective and practical means of accomplishing the management goals and objectives of the BLM and should be used as a guide when preparing plans for individual projects. Individual projects also may be subject to additional NEPA analysis and additional, project-specific mitigation measures.

6.0 PLAN MONITORING

As outlined in the attached RMPA, BLM will monitor and evaluate management strategies and resource conditions and trends to determine the effectiveness of the RMPA and to ensure that its implementation is

achieving the desired results. Information on resource conditions obtained through monitoring will be used to assess the effectiveness of management strategies and evaluate whether management should be adapted to accommodate new information, changes in demands on resources, or other considerations.

The BLM will develop a memorandum of understanding with the U.S. Army, Fort Bliss to guide the sharing of responsibilities for management and monitoring on McGregor Range.

7.0 PUBLIC INVOLVEMENT

7.1 Scoping

The RMPA/EIS and scoping process began on May 21, 2001, with the publication in the *Federal Register* of BLM's Notice of Intent to amend the RMP, prepare an EIS, and conduct public scoping meetings. This notice invited the general public as well as Federal, State, and local government agencies to identify issues and submit comments regarding the RMPA/EIS.

In addition to the Notice of Intent, the BLM prepared a scoping notice that was distributed to approximately 400 agencies, interested organizations, and individuals in early June 2001. The notice provided background information; announced the preparation of the RMPA and EIS; explained the planning process, project schedule, and agency responsibilities; and announced the public scoping meetings and other public participation opportunities. A media release introducing the project and announcing the scoping meetings was prepared and issued on June 11, 2001 by the BLM to local and regional newspapers, television, and radio.

Two public scoping meetings were held in June 2001 to obtain input on issues and planning criteria that would assist in determining the scope of the RMPA/EIS. A total of 47 oral comments were received at the two meetings, which were attended by a total of 29 people. In addition to the comments received during the meetings, a total of 36 comment forms and letters were submitted to BLM. Scoping ended on July 6, 2001; however, additional comments were accepted after that date. A Summary Scoping Report was issued in August 2001 that described the scoping process and summarized the public comments and issues obtained.

7.2 Agency Consultation

Early in the planning process, BLM invited the U.S. Army, Fort Bliss, to actively participate in the process as a cooperating agency. Representatives from Fort Bliss have been involved at various steps of the process including review of alternatives and project documents.

As part of data collection and in compliance with the Fish and Wildlife Coordination Act (16 USC Sec. 661 et seq.) and Endangered Species Act of 1973 (16 USC Sec 1531 et seq.), BLM requested and the U.S. Fish and Wildlife Service (USFWS) provided a list of federally listed species that may occur in Otero County. A Biological Assessment was provided to the USFWS in February 2005 and is on file at the BLM Las Cruces District Office. The USFWS concurred with the determinations in BLM's Biological Assessment on July 19, 2005. The New Mexico Department of Game and Fish and the New Mexico Energy, Minerals, and Natural Resources Department also have been contacted in regard to State-listed threatened and endangered plant and animal species.

In accordance with the New Mexico Protocol Agreement for the BLM National Programmatic Agreement, BLM notified the New Mexico State Historic Preservation Office (SHPO) that a RMPA/EIS was being prepared for McGregor Range and solicited comments regarding cultural resources. BLM will continue to consult with the New Mexico SHPO about undertakings pursued in accordance with the RMPA.

BLM contacted the Mescalero Apache Tribe, Fort Sill Apache Tribe, and Ysleta del Sur Pueblo to notify them that a RMPA/EIS was being prepared for McGregor Range. BLM provided information about the plan for developing the cultural resource components of the RMPA/EIS, and requested that the tribe identify any traditional cultural places and resources that should be considered as the plan amendment was prepared. BLM also offered the tribes an opportunity to assist in preparation of the RMPA/EIS. Only the Ysleta del Sur Pueblo opted to participate in preparation of the plan amendment; however, no specific data was forthcoming from the Ysleta del Sur Pueblo.

7.3 Draft Resource Management Plan Amendment/Environmental Impact Statement

A notice announcing the availability of the Draft RMPA/EIS for public review, the initiation of the 90-day comment period, and the public hearing dates was published in the *Federal Register* on January 31, 2005. On March 8 and 9, 2005, BLM conducted public hearings to listen to and understand the public's comments on the adequacy of the Draft RMPA/EIS. Although no oral comments were received during the hearings, eight letters were received during the 90-day comment period. All comments on the Draft RMPA/EIS were considered and addressed in the Proposed RMPA/Final EIS.

Copies of the letters and BLM responses to comments within those letters were included as part of the Proposed RMPA/Final EIS. Where appropriate, BLM referenced information in the Draft RMPA/EIS to address comments. In some instances the BLM felt a comment warranted corrections or additions to information within the Draft RMPA/EIS. Due to the small volume of comments, the full text of the Draft RMPA/EIS was not reproduced and these additions or corrections were provided in an "addenda and corrections" section within the Proposed RMPA/Final EIS.

In general, comments received on the Draft RMPA/EIS pertained to issues such as land use and access, grazing, surface water quality, hazardous waste, air quality, habitat management, and oil and gas development. The Environmental Protection Agency letter contained no comments, but rather a formal "Lack of Objections" to the proposed alternative.

7.4 Protest Period and Consistency Review

A notice announcing the availability of the Proposed RMPA/Final EIS was published in the *Federal Register* on January 13, 2006, initiating a 30-day protest period. A 60-day Governor's Consistency Review was initiated with the submittal of the Proposed RMPA/Final EIS to the Governor's Office on October 27, 2005. No protests were received, and no comments regarding potential inconsistencies with State and local plans, programs, and policies were received from the Governor's Office.

Resource Management Plan Amendment

1.0 INTRODUCTION

1.1 INTRODUCTION

The Bureau of Land Management (BLM) has prepared this Resource Management Plan Amendment (RMPA) to address the management of public land within the boundaries of McGregor Range in southern Otero County, New Mexico (Map 1). The RMP A amends BLM's 1986 White Sands Resource Management Plan (RMP) and replaces BLM's 1990 RMPA for McGregor Range. The RMPA provides a framework for managing withdrawn public land and allocating resources within McGregor Range. Preparation of the RMPA is guided by BLM planning regulations Title 43 Code of Federal Regulations 1600-1610 (43 CFR 1600-1610) issued under the authority of the Federal Land Policy and Management Act of 1976 (FLPMA) and by BLM Handbook H-1601-1 (Land Use Planning Handbook), and associated regulations.

1.2 PURPOSE AND NEED FOR THE PLAN

Military use on McGregor Range by the U.S. Department of the Army (U.S. Army) first occurred in 1948. These lands were needed to support military missile testing and training activities in conjunction with nearby Fort Bliss and White Sands Missile Range. At that time, lands proposed for McGregor Range included approximately 374,000 acres in Otero County, the majority of which was public land administered by BLM. In 1949, the U.S. Army and most of the landowners in the area agreed to a 5-year lease for exclusive use by the military. McGregor Range was expanded further in 1950 and 1952 and, when the leases expired in 1954, the privately owned lands were purchased by the military. Beginning in 1956, lands on Otero Mesa were purchased by the military from local ranchers to provide additional area for missile testing and training. On August 21, 1957, public land administered by the BLM was withdrawn from the public domain for use by the military for 10 years (Public Land Order 1470), which was renewed for an additional 10 years in 1967. In 1976, the U.S. Army submitted an application for renewal of the withdrawal under the provisions of FLPMA (Public Law [PL] 94-579) and the Engle Act (PL 85-337).

Approximately 608,385 acres later were made available to the U.S. Army for training and weapons testing through the Military Lands Withdrawal Act of 1986 (PL 99-606), which expired in 2001 (U.S. Army 2000). In 1999, Congress passed the Military Lands Withdrawal Act (PL 106-65), which withdrew large tracts of public land, including McGregor Range, for military purposes. Today, the status of lands within McGregor Range is a mix of land owned-in-fee by the U.S. Army (approximately 10 percent), Federal land administered by the Department of Agriculture through the U.S. Forest Service (Forest Service) (approximately 3 percent), and the majority is public land administered by the U.S. Department of the Interior through the BLM (approximately 87 percent).

McGregor Range is the principal training facility for air defense systems, a critical part of military operational readiness for national defense. Training on McGregor Range includes limited troop and equipment maneuvers, air-defense training, and air-to-ground training for multiple-branch active and reserve military units and allied forces. The U.S. Army is responsible for using the land wisely, assessing the impacts of its activities on the environment, and minimizing or mitigating those impacts to the extent practicable. In response to these requirements, the U.S. Army (Fort Bliss) has prepared a number of documents addressing its land use, impacts, and management, most notably the McGregor Range Land Withdrawal Renewal Legislative Environmental Impact Statement (EIS), Fort Bliss Mission and Master Plan Programmatic EIS, and Integrated Natural Resource Management Plan, completed in 1999, 2000, and 2001, respectively.

Plans to address resource management on McGregor Range include the 1980 EIS for Grazing Management in the McGregor EIS Area, the 1981 Grazing EIS for the Southern Rio Grande Planning Area, and the 1986 White Sands Resource Area RMP. When the withdrawal of McGregor Range was renewed by the Military Lands Withdrawal Act of 1986 (PL 99-606), a provision of the law required that BLM manage the land under FLPMA and develop a management plan for the area. In response, the White Sands RMP was amended in 1990. The intent of the 1990 RMPA for McGregor Range was to provide general direction for managing the withdrawn public land on McGregor Range and guide all resource actions to achieve plan decisions.

When the withdrawal of McGregor Range was renewed in 1999, PL 106-65 also directed BLM to manage the withdrawn public land within McGregor Range under FLPMA and to develop a management plan. In addition to the legislative requirement to prepare an RMPA for McGregor Range, ongoing military training has changed land uses on portions of the range, and BLM has updated resource management guidelines and/or requirements since the previous RMPA. Therefore, BLM needed to update the 1990 RMPA to comply with PL 106-65 and to address new uses and resource management guidelines and/or requirements on McGregor Range. Recognizing the land use restrictions necessary to accommodate military uses, BLM's management actions on this withdrawn public land must nevertheless remain consistent with the principles of public land health, multiple use, and sustained yield as directed by FLPMA and the New Mexico Standards for Public Land Health.

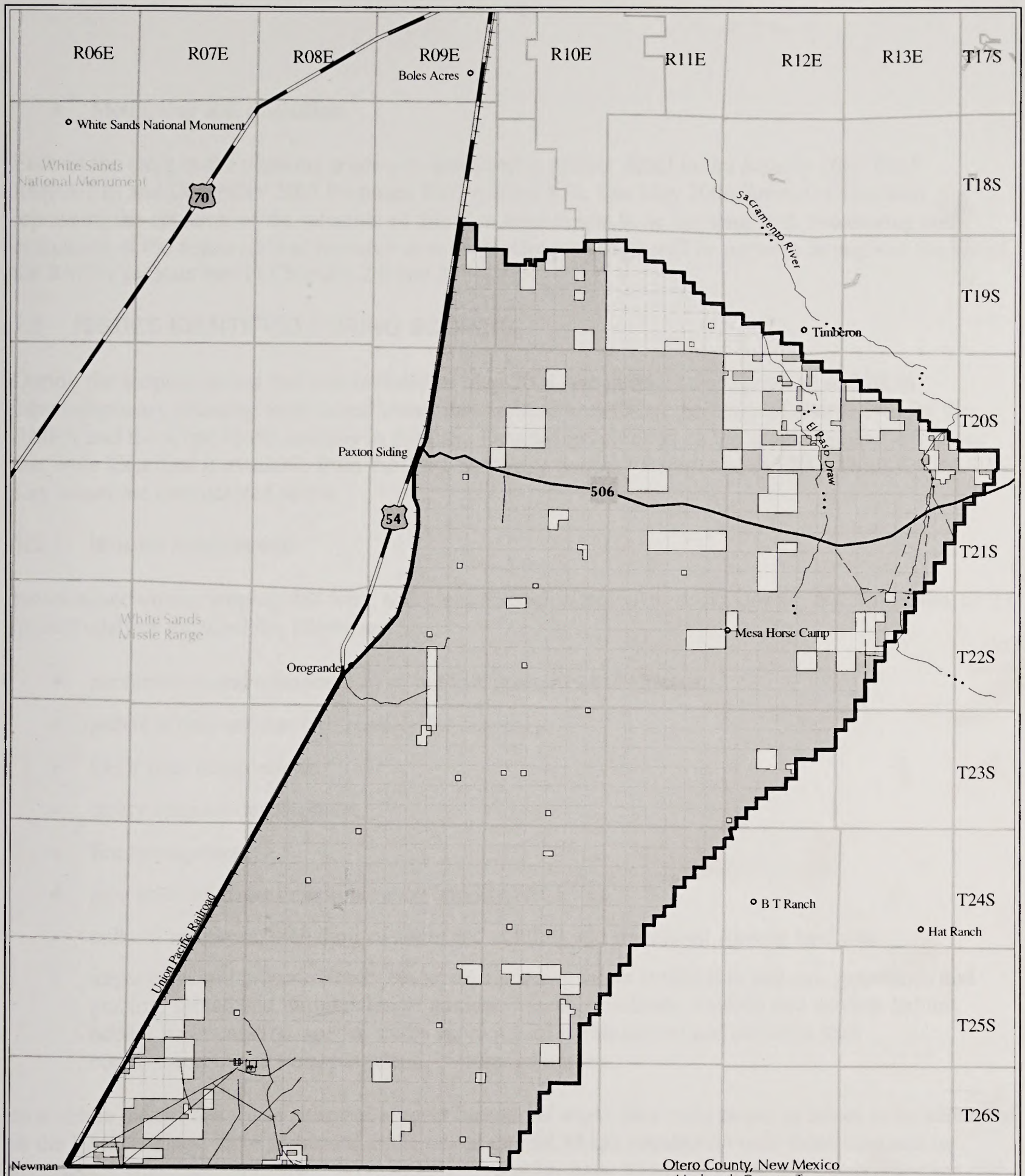
1.3 PLANNING AREA LOCATION

McGregor Range is located in the south-central portion of New Mexico in Otero County (refer to Map 1). McGregor Range is bordered by the New Mexico-Texas state line along the southern boundary, Lincoln National Forest along the northern boundary, and U.S. Highway 54 along the western boundary. According to the best available GIS data, McGregor Range includes a total of 694,981 acres of Federal land. Of that land, 606,233 acres are BLM-administered public land withdrawn from the public domain for military use, 70,884 acres are owned by the U.S. Department of Defense, and 17,864 acres are administered by the Forest Service. The entire area within McGregor Range is referred to as the Planning Area. The area over which BLM has management authority is referred to as the Decision Area.

1.4 PLANNING PROCESS

The planning process is designed to result in an RMPA that provides a framework for managing the withdrawn public land and for allocating resources within McGregor Range. The RMPA establishes areas for limited, restricted, or exclusive uses; desired levels of production; allowable resource uses; resource condition objectives; program constraints; and general management direction. The RMPA was developed using the nine basic steps of the BLM planning process, which are listed below and described in the planning regulations (Manual 1617, Section 42).

- Identification of issues
- Development of planning criteria
- Data and information collection
- Formulation of alternatives
- Estimation of effects of the alternatives
- Selection of the preferred alternative(s)
- Selection of the plan amendment



Decision Area and Planning Area

McGregor Range RMPA

March 24, 2006

Location in New Mexico

Universal Tranverse Mercator
Zone 13, Units Meters
Clarke 1866 Spheroid
NAD27 Datum

SCALE 1 : 500,000

50000 0 FEET

0 0 MILES

Legend:

Areas:
- Planning Area
- Decision Area

General Reference:
- Primary Roads
- Secondary Roads
- County Roads
- Paved or Military Restricted Roads
- Public Land Survey System
- Union Pacific Railroad
- Streams
- Geographic Place

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data were compiled from various sources. Spatial information may not meet National Map Accuracy Standards. This information may not be updated without notification.

SOURCE: Base Map information: BLM, Las Cruces Field Office, 2001
Jurisdiction Information: BLM, Las Cruces Field Office, 2001

URS

Map 1

- Monitoring and evaluation

Each of the steps in the planning process is described in greater detail in the January 2005 Draft RMPA/EIS and December 2005 Proposed RMPA/Final EIS. The May 2006 Record of Decision represents the approval of the selection of this plan amendment to be implemented. Monitoring and evaluation of the resources and resource uses on McGregor Range will be ongoing throughout the life of the RMPA as described in Chapters 2.0 and 3.0.

1.5 ISSUES IDENTIFIED DURING SCOPING

During the scoping period that was initiated in May 2001, the public, other agencies, and BLM interdisciplinary planning team raised issues that assisted in defining the range of alternatives for the RMPA and the scope of the analysis in the EIS. Detailed information on the scoping phase and issues that were identified is available from the 2001 Summary Scoping Report and the 2005 Draft RMPA/EIS. Key issues are summarized below.

1.5.1 Issues Addressed

Issues raised during scoping that were addressed through alternatives development, data collection, or the impact analysis included the following:

- preservation and enhancement of wildlife resources and habitats,
- public access and use (particularly for hunting),
- OHV area designations,
- utility corridor development,
- fire management,
- new areas of critical environmental concern (ACECs),
- cultural resources, including customs and cultures and traditional Apache land use,
- impacts on and preservation of resources including water availability and use, grasslands and grazing, spread and introduction of noxious weeds, grasslands, wildlife and wildlife habitat, habitat fragmentation, special status species, bird electrocution and collision with communications towers, rangeland, cultural resources.

In addition, hazardous waste sites and suspect hazardous waste sites were raised as issues to be addressed in the RMPA. These were addressed to the extent that BLM has jurisdiction over those sites and in accordance with applicable laws and regulations. Another issue raised was interagency coordination and the distribution of management responsibilities on McGregor Range among the BLM, Fort Bliss, and U.S. Forest Service. Extensive cooperation occurred between agencies during the planning process, and will continue throughout implementation of the RMPA.

1.5.2 Issues Considered but Not Analyzed in Detail

During scoping, the question was raised as to how the McGregor Range RMPA would relate to the previously completed plan amendment to address fluid mineral leasing in Sierra and Otero Counties. The document on fluid mineral leasing did not address the Federal mineral estate underlying McGregor Range; therefore, the previous decisions associated with McGregor Range were carried forward unchanged. In general, issues related to leasable and locatable mineral development were not analyzed in

detail, since PL 106-65 closes McGregor Range to minerals leasing and to entry for mining of locatable minerals (see Appendix B – Title XXX, Military Land Withdrawals).

Another scoping comment called for the identification of new WSAs, ACECs, and roadless areas. Although ACECs and areas closed to OHV use were incorporated into the alternatives that were evaluated, the BLM no longer has the authority to designate WSAs. Some areas were considered for designation as ACECs but were not analyzed in detail because the BLM determined that, although these areas met the relevance and importance criteria for ACEC designation, they did not require special management for protection of resources as described in Section 2.3.1 of the Draft RMPA/EIS.

1.6 PLANNING CRITERIA

Planning criteria were established to provide focus for data collection efforts, ensure compliance with legal mandates, and facilitate decision-making. The planning criteria established to guide the development of the RMPA include the following:

- Resource management actions shall not impair, and shall be compatible and consistent with, military use in accordance with the Withdrawal Act (PL 106-65)
- Comply with laws, executive orders, and regulations, and be consistent with the principles of multiple use and sustained yield
- Clarify BLM and Fort Bliss management responsibilities
- Develop reasonable and achievable resource outputs within available technology and budget constraints
- Provide for public access to and across McGregor Range where compatible
- Provide for mineral development where compatible
- Identify water use needs and any impacts on existing water resources
- Identify the subbasins for McGregor Range and use as the organizational framework for water resources evaluation
- Maintain or improve vegetation conditions
- Identify any infestations of noxious/invasive weeds and provide for management alternatives to address existing and potential problems
- Provide for the harvesting of vegetation products if compatible
- Provide for the protection and management of the sensitive, state-listed, and Federally listed plant and animal species
- Provide for livestock grazing where compatible
- Provide for the protection and management of wildlife habitat
- Identify any impacts of predator management
- Provide for hunting, in concert with biological cycles when possible
- Provide for recreational uses where compatible
- Identify any impacts of OHV use
- Maintain or enhance visual quality

- Provide for the management of cultural and paleontological resources
- Continue to provide for the management of the Culp Canyon WSA under Interim Management Policy procedures pending Congressional determination

1.7 RELATED PLANS

The BLM planning regulations require that RMPs be "consistent with officially approved or adopted resource-related plans, and the policies and procedures contained therein, of other Federal agencies, State and local governments, and Indian tribes, so long as the guidance and RMPs also are consistent with the purposes, policies and programs of Federal laws and regulations applicable to public lands" (43 CFR 1610.3-2). In order to ensure such consistency, finalized plans were solicited from Federal, State, and local agencies as well as Tribal governments. These same agencies received copies of the Draft RMPA/EIS for review and comment.

There are no known inconsistencies between this RMPA and officially approved and adopted resource-related plans of other Federal agencies, State and local governments, and Indian tribes. Coordination and consultation will continue throughout implementation of the RMPA.

The BLM and U.S. Army, Fort Bliss manage McGregor Range jointly under a memorandum of understanding established in 1990. In response to the U.S. Army's environmental responsibilities, Fort Bliss has developed several guidance documents including the McGregor Range Land Withdrawal Renewal Legislative EIS (1999) and Fort Bliss Mission and Master Plan Programmatic EIS (2000), and Integrated Natural Resource Management Plan (2001). The BLM has worked closely with Fort Bliss in the preparation of this RMPA, and the memorandum of understanding between the two agencies will be updated to address the sharing of responsibilities for managing and monitoring the resources and resource uses on McGregor Range.

1.8 POLICY

The 1990 RMPA for McGregor Range (BLM 1990a) will be revised and replaced by this RMPA. The areas that comprise the Black Grama Grassland ACEC, located within McGregor Range, will continue to be managed and maintained through a cooperative agreement among the BLM, U.S. Army, and New Mexico State University. In addition, the 2004 RMPA for Fire and Fuels Management on Public Land in New Mexico and Texas (BLM 2004) will continue to apply to McGregor Range.

An RMPA/EIS was completed in 2004 to address Federal fluid mineral leasing and development in Sierra and Otero Counties. However, this document did not address the Federal mineral estate underlying McGregor Range; therefore, previous decisions regarding fluid minerals on McGregor Range were carried forward, unchanged.

Wilderness study areas (WSAs) are designated by the Federal government and, if formally added to the National Wilderness Preservation System, would be managed in accordance with the Wilderness Management Policy (BLM 1981). The Culp Canyon WSA and a small portion of the Sacramento Escarpment WSA are included within McGregor Range, but have not received formal Congressional designation. These areas currently are managed under Interim Management Policy and Guidelines for Lands Under Wilderness Review (BLM 1995), which allows some uses and requires protection of wilderness values. The WSAs are used by the U.S. Army for military training, but off-road vehicle travel or military weapons firing are not permitted.

2.0 MANAGEMENT DECISIONS

2.1 INTRODUCTION

The overall goal of the McGregor Range Resource Management Plan Amendment (RMPA) is to manage the public land within McGregor Range to accommodate military uses while remaining consistent with the principles of public land health, multiple use, and sustained yield, as directed by FLPMA and the New Mexico Standards for Public Land Health. In this chapter, each resource, resource use, or program is discussed in terms of (1) management objectives, (2) continuing management guidance, or the laws and policy that provide BLM with the authority and guidance to manage resources on public land, (3) management actions, and (4) monitoring.

Many of the resource objectives described below refer to "maximizing public land health," which means that management decisions will consider options that are in concert with the New Mexico Standards for Public Land Health and Guidelines for Livestock Grazing Management (referred to as the New Mexico Standards and Guidelines). The standards of land health are expressions of physical and biological condition or degree of function required for healthy and sustainable lands, and define the minimum resource conditions that must be achieved (BLM 2001). The process for assessing the condition of resources, and evaluating attainment of standards and conformance of the guidelines is ongoing.

Since there are joint management responsibilities for the Bureau of Land Management (BLM) and U.S. Army, military management direction is addressed in the following resource sections where clarification is needed. The major applicable laws, regulations, and policies that apply to the management of resources on McGregor Range are provided in Appendix C – Applicable Major Laws, Regulations, and Policies.

2.2 LANDS AND REALTY

The objective of the lands and realty program on the withdrawn public land on McGregor Range is to consider those uses that are compatible with the McGregor Range withdrawal (PL 106-65), and if compatible, make selected withdrawn land and its resources on McGregor Range available for the public to meet national, regional, and local needs while maximizing public land health.

2.2.1 Continuing Management Guidance

PL 106-65 established the withdrawal of McGregor Range for military use for a period of 25 years and limited uses by withdrawing land from use under the mining laws, mineral leasing, and geothermal leasing laws (Appendix B). The law further segregates public land on McGregor Range from the disposal authority of FLPMA; therefore, disposal of withdrawn public land through sales, recreation and public purposes, and exchange is not allowed. PL 106-65 also specifies that the Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such land only with the concurrence of the Secretary of the Army. The law also allows the Secretary of the Army to close withdrawn lands, roads, or trails from public use to ensure public safety, military operations, or national security. Closures are to be limited to the minimum of areas and periods that the Secretary determines necessary. Additionally, this law specifies that appropriate warning be posted and that appropriate steps are taken to notify the public. If it is determined that the New Mexico Standards for Public Land Health are not being met due to activities associated with the lands and realty program, BLM will determine appropriate actions to ensure that standards can be met or that significant progress can be made toward meeting those standards.

2.2.2 Management Actions

Allowable Uses. Right-of-way exclusion areas (171,948 acres) and two utility corridors (one north-south and one east-west, generally 1-mile wide) are designated as identified on Map 2. Within right-of-way exclusion areas, rights-of-way will be granted only in cases where there is a legal requirement to provide such access.

Actions. The BLM will process nonmilitary applications and issue right-of-way permits and/or short-term leases and permits on a case-by-case basis with the concurrence of the military. General terms and conditions for rights-of-way are outlined in 43 CFR 2801.2.

2.2.3 Monitoring

Monitoring of rights-of-way and land use authorizations may involve inspections or technical investigation to ensure the permit holder is in compliance with the terms and conditions of the grant or permit.

2.3 TRANSPORTATION AND ACCESS

The objective for transportation and access on the withdrawn public land is to provide guidance to all users of the withdrawn public land regarding allowable uses and how those uses will be managed, and clarify the areas available for use and the procedures that will be followed to access McGregor Range.

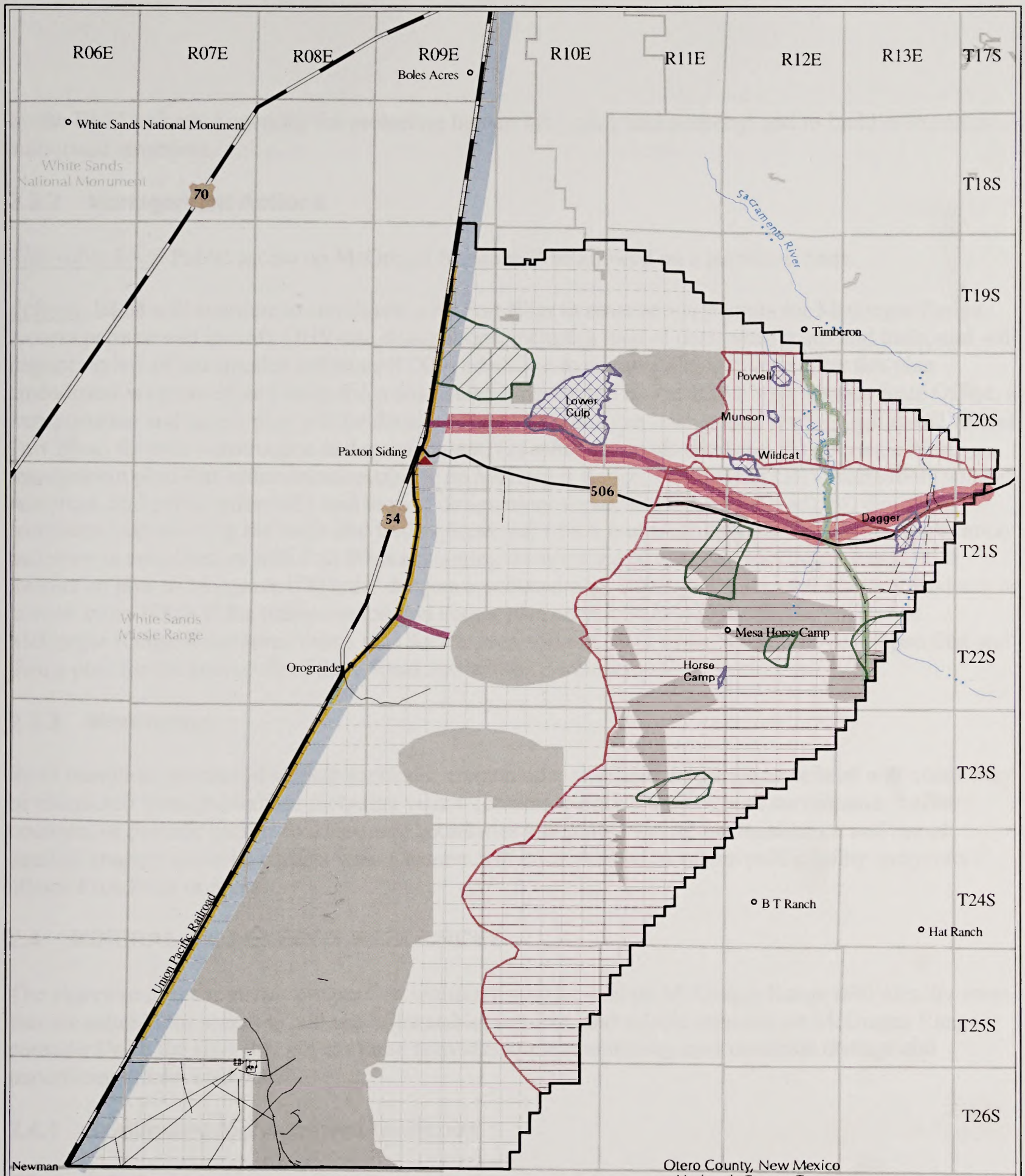
2.3.1 Continuing Management Guidance

PL 106-65 allows closure of roads, trails, or other portions of withdrawn lands that the Secretary of the Army determines necessary for military purposes and public safety.

Executive Order (EO) 11644, Use of Off-Road Vehicles on the Public Lands (as amended by EO 11989), was signed by President Nixon in 1972 to ensure that the use of off-road (off-highway) vehicles (OHVs) on public land would be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands. This EO required Federal agencies to designate specific areas where OHV use would be permitted and areas where OHV use would be prohibited.

OHV use on public land managed under the U.S. Department of the Interior is regulated by 43 CFR 8340. These regulations establish the criteria for designating public land as open, limited, or closed to OHV use and for establishing controls governing the use and operation of OHVs in such areas. BLM Manual 8340 provides policy guidance for managing OHV use on public land consistent with 43 CFR 8340. The objectives of OHV management are to provide for public needs and demands, public safety, and natural resource protection, while minimizing user conflicts and maximizing public land health. In addition, Instruction Memorandum NM 2002-077 provides statewide guidance for transportation and OHV management. Additionally, if it is determined that the New Mexico Standards for Public Land Health are not being met due to activities associated with OHV use or other access, BLM will determine appropriate actions to ensure that standards can be met or that significant progress can be made toward meeting those standards.

BLM Handbook H-8550-1, Interim Management Policy for Lands Under Wilderness Review, provides policy direction with respect to motorized and mechanized vehicles in wilderness study areas (WSAs) (BLM 1995). According to part I.B.11 of this handbook, motor vehicles and mechanical transport may be allowed off existing roads and trails for emergencies and search and rescue operations; official purposes



Resource Management Decisions

McGregor Range RMPA

March 24, 2006

Location in New Mexico

Universal Tranverse Mercator
Zone 13, Units Meters
Clarke 1866 Spheroid
NAD27 Datum

SCALE 1 : 500,000

50000 0 FEET

8 0 MILES

Legend:

Right-of-way Exclusions:
- Exclusion Areas

Right-of-way Corridors:
- Corridor 1
- Corridor 2

Watersheds:
- Watersheds

Vegetation Sale:
- Vegetative Sale Area

Habitat Management Plans:
- Sacramento Mountain Foothills HMP
- Grassland HMP

Existing Right-of-way:
- Oil and Gas Pipelines
- Power Transmission Right-of-way
- Underground Telephone and Telegraph
- Border Patrol Inspection Station

General Reference:
- Primary Roads
- Secondary Roads
- County Roads
- Paved or Military Restricted Roads
- Public Land Survey System
- Union Pacific Railroad
- Streams
- Geographic Place

Note: Management actions are only applicable to public land within McGregor Range.

SOURCE: Base Map information: BLM, Las Cruces Field Office, 2001

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data were compiled from various sources. Spatial information may not meet National Map Accuracy Standards. This information may not be updated without notification.

URS

Map 2

by the BLM and other agencies for protecting human life, safety and property; and to build or maintain authorized structures.

2.3.2 Management Actions

Allowable Uses. Public access on McGregor Range will be allowed on a permitted basis.

Actions. BLM will continue to coordinate with Fort Bliss to issue access permits for McGregor Range. Access permits will identify OHV-use designations, include a map of designated roads and trails, and will require review of unexploded ordnance (UXO) education materials. Within 5 years after this plan amendment is approved and using the roads database developed by the BLM New Mexico State Office, a transportation and access plan will be developed to (1) establish an interagency working group (BLM and Fort Bliss) for road construction and management; (2) refine the roads database; (3) develop a road management plan that addresses accessibility on McGregor Range; (4) consider OHV, recreation, natural resources, and public safety; (5) lead to road designations (open, limited, and closed); (6) develop a recreation map showing the roads and trails system and which routes are open, and (7) develop education materials in coordination with Fort Bliss explaining the presence of UXO on McGregor Range, and instruct on how to recognize UXO, the dangers associated with UXO, and associated safety procedures on how to avoid UXO. If the transportation and access plan cannot be developed for the entirety of McGregor Range at one time, then a plan for the area north of State Road 506 will be developed first and then a plan for the area south of State Road 506 will be developed.

2.3.3 Monitoring

Road condition, number of vehicle accidents, erosion rate, or resource damage associated with roads may be monitored through methods including visitor contacts, permit review, visual surveillance, traffic counters, or periodic patrols to check area boundaries and routes. Aerial reconnaissance and use of satellite imagery could be used as well. Closures will be monitored to ensure public safety and protect affected roadbeds or areas.

2.4 MINERAL AND ENERGY RESOURCES

The objective of the minerals program on withdrawn public land on McGregor Range is to identify areas that are suitable for access to and use of locatable, leasable, and salable minerals on McGregor Range consistent with the laws that govern these activities while minimizing environmental damage and maximizing public land health.

2.4.1 Continuing Management Guidance

When public land is withdrawn from the public domain and designated for a particular use, such as for the military, the lands are restricted and protected from all forms of appropriation under general land laws. FLPMA provides for public uses such as mining; however, under PL 106-65, McGregor Range is closed to minerals leasing and entry for mining of locatable minerals. PL 106-65 requires that, every 5 years, BLM compile expressions of interest and information related to leasable and locatable mineral activities on lands adjacent to McGregor Range and evaluate whether the decision to close is still appropriate. If at that point the information supports a change in the decision and, if Fort Bliss concurs with BLM, opening of all or portions of McGregor Range to leasable and locatable minerals will be considered and it will be determined whether an amendment would be needed. Under PL 106-65, McGregor Range will continue to be closed to the general public for extraction of salable minerals; however, the law specifically allows for the U.S. Army, Fort Bliss, to extract the material for construction needs on McGregor Range. If it is

determined that the New Mexico Standards for Public Land Health are not being met due to activities associated with the minerals program, BLM will determine appropriate actions to ensure that standards can be met or that significant progress can be made toward meeting those standards.

2.4.2 Management Actions

Allowable Uses. McGregor Range will continue to be closed to entry for mining of locatable minerals (hard rock) and to leasing and development of fluid minerals (oil, gas, geothermal). McGregor Range will continue to be closed to the general public for extraction of salable minerals (sand, gravel, caliche); however, extraction of salable minerals by the U.S. Army for construction needs on McGregor Range will be allowed. For State and county roads on McGregor Range, BLM will consider applications from county or State entities, or their contractors to extract mineral materials from McGregor Range for use on these county and State roads.

Applications for development of wind and solar energy-generating facilities will not be considered because of the potential incompatibility with military uses.

2.4.3 Monitoring

Every 5 years, the BLM will re-evaluate the decision to close McGregor Range to entry for mining of locatable minerals and to leasing and development of fluid minerals, and revise the decision as appropriate and in coordination with Fort Bliss. This review will occur regularly and may require an amendment to this RMPA dependent on the size and location of the proposed leasing area and additional review in accordance with the National Environmental Policy Act (NEPA).

2.5 SOILS

The objective of the soils program on the withdrawn public land is to maintain healthy and productive soils that support and maintain appropriate vegetative cover and maximize public land health.

2.5.1 Continuing Management Guidance

Policy and guidance for the management of soil resources associated with lands administered by BLM are included in Manual Sections 7000 and 7100.

2.5.2 Management Actions

Actions. Future roads will be located to minimize erosion by avoiding areas of high and moderate erosion, where possible. Where such areas cannot be avoided, mitigation measures to minimize erosion will be implemented. Identify existing roads that currently are contributing to substantial or accelerated erosion and consider mitigation or relocation. Any modification to existing road infrastructure will include soil erosion mitigation (see Appendix A – Best Management Practices and Appendix D – Noxious Weed Management Plan). Maintain ground cover as much as possible to minimize erosion, consistent with the New Mexico Standards and Guidelines.

2.5.3 Monitoring

Information on the condition of soil resources typically is inferred from other monitoring information such as vegetative cover and density, litter cover, and stream sediment loading and turbidity. BLM will collect and evaluate inventory and monitoring data on a regular basis as needed to determine achievement of public land health standards, or progress toward meeting those standards, as described for water and

vegetation resources below. Specific localized soil erosion areas will be evaluated for rehabilitation efforts. It can be assumed, in absence of measurable and observable soil erosion, and in presence of healthy vegetative communities, that soil processes are functioning correctly.

2.6 WATER RESOURCES

The objective of the water resources program on the withdrawn public land is to maintain adequate supply of water appropriate for the livestock management program and for wildlife habitat management. The objective of the watershed program is to provide for corrective actions where needed and maintain and enhance those resources in a manner that sustains other natural resources and allows for appropriate land uses while maximizing public land health.

2.6.1 Continuing Management Guidance

The BLM, under FLPMA, must comply with all applicable pollution control laws, including State and Federal water standards. Federal regulations regarding water resources are implemented and administered in New Mexico at the State level. The New Mexico Water Quality Control Commission (NMWQCC) develops and enforces groundwater protection regulations and groundwater standards in the State, and regulates discharges onto or below the ground surface to protect all groundwater in New Mexico that has an existing concentration of 10,000 milligrams per liter (mg/L) or less of total dissolved solids.

The New Mexico Office of the State Engineer (State Engineer) administers water rights for the use of ground and surface water in New Mexico. To ensure orderly development of groundwater resources within the State, the State Engineer designates groundwater basins as declared or undeclared. Within a declared groundwater basin, an application to appropriate groundwater must be filed with and approved by the State Engineer. In an undeclared groundwater basin, water is not appropriated and wells may be drilled without approval from the State Engineer. Surface water rights in New Mexico are based upon the principle of beneficial use and first appropriation, meaning that water rights are ranked in priority according to first beneficial use. All unappropriated water belongs to the public. The State Engineer assists the court in the testing of surface water priority and use and administers water conservation programs. No adjudication of surface water rights on McGregor Range or on streams originating on the Range has been conducted and none is anticipated.

The law controlling the quality of surface water primarily has been based upon the Clean Water Act. In New Mexico, water quality authority is vested in the NMWQCC and primarily administered by the various units of the New Mexico Environment Department (NMED). Surface water quality standards have been set by NMED and approved by the U.S. Environmental Protection Agency (EPA).

Sections 401, 402, and 404 of the Clean Water Act require that certain discharges or changes in channel geometry of the receiving waters require Federal or State permits if such discharges are to "waters of the U.S." A playa that straddles the New Mexico and Texas state line could be an "interstate water" as defined by the Clean Water Act, and further guidance can be found from the U.S. Army Corps of Engineers (COE) (COE and EPA 2002).

Water pollution from point sources is the focus of National Pollutant Discharge Elimination System (NPDES) laws and regulations. NPDES permits are required for all discharges from pollutant sources to "waters of the U.S." Implementation of the program is achieved through an industry-specific permit and pollutant limitation system. The only industrial use currently considered for McGregor Range is fluid minerals exploration and development, which is governed under NPDES only if synthetic drilling fluids are used (and will only apply if, in the future, BLM and the U.S. Army agree to open McGregor Range to minerals development, consistent with PL 106-65).

The NPDES program also covers nonpoint-source pollution through storm water release. Under Phase II of the NPDES storm-water program, disturbance of areas greater than 1 acre generates the need to obtain a storm-water discharge NPDES permit. Construction activity can be waived under certain combination of low rainfall and low potential for soil erosion.

The State of New Mexico water quality control strategy is described in the draft Statewide Water Quality Management Plan. Although the State does not have primacy to administer its own program, NMED and other agencies do consult with EPA, Region VI on certain pending NPDES permits. Under Section 401 of the Clean Water Act, the State can deny certification of Federal permits for a variety of water quality impacts.

Section 303(d) of the Clean Water Act stipulates the treatment of surface waters that, despite meeting the effluent limitations prescribed by the NPDES program, still are not meeting water-quality standards. Such waters appear on a list, formerly published biennially, by the individual states and a total maximum daily load and other water-quality reports are required to be written that spell out a procedure for bringing the water body under the appropriate standard. The NMED is the regulating authority for Section 303(d) list. The current 303(d) list does not list any of the streams originating on or passing through McGregor Range. Further, the New Mexico law stipulates that surface-water-quality standards do not extend to nonperennial reaches of streams. This appears to exclude all of the streams on McGregor Range from any future total maximum daily loads.

In addition to point sources, the Clean Water Act extends to nonpoint-source pollution under Section 319 and each State is obligated to provide a nonpoint-source pollution assessment and management plan. In January 2000, EPA approved the State's nonpoint-source assessment and management plan. The plan assigns regulatory authority to NMED and details consultation requirements under the 401 certification and 404 dredge and fill (see below) permitting process. Compliance with the plan is judged by a series of runoff control methodologies termed best management practices. These best management practices can range over a variety of engineering, public outreach, and administrative controls, and cited examples are similar to best management practices used in other states and tribes.

Specific State agencies have consultation duties to support NMED, including New Mexico Energy, Minerals, and Natural Resources Department (NMNRD) for mining, Forestry Division for timber and silviculture industries, New Mexico State Highway and Transportation Department for road building and so forth. In addition, the various State soil and water conservation districts are authorized under State law to work on a voluntary basis to control nonpoint-source pollution within their district boundaries. The Otero Soil and Water Conservation District has authority in the McGregor Range area.

Federal agencies also are called out as nonpoint-source control partners and BLM is charged with a significant responsibility. Nonpoint-source control on public land is cited by the State plan as to be accomplished by the RMP/EIS process. For this reason, the McGregor Range RMPA is the primary document for BLM compliance with the New Mexico nonpoint-source management plan.

The need for the prevention of nonpoint-source pollution as a consequence of livestock management is discussed in a number of places in the New Mexico Standards and Guidelines. Specifically, the document describes a memorandum of understanding confirming that BLM is the agency designate by the State of New Mexico for the prevention of nonpoint-source pollution on and from public land (NMWQCC 1998). Nonpoint-source pollution is seen as most optimally controlled by a spectrum of best management practices.

The State Nonpoint-Source Management Plan (NMWQCC 1998) also calls out the U.S. Army's responsibilities under Section 404 of the Clean Water Act. This section controls the dredging and filling

of channels conveying "waters of the U.S." and includes almost any modifications to surface water bodies in the state. The Secretary of the Army, delegated to the Chief of Engineers of the COE, has the authority to issue dredge and fill permits under Section 404. As indicated above, the Regulatory Branch of the COE, Albuquerque District has interpreted the Solid Waste Authority of Northern Cook County memorandum to exclude all arroyos on McGregor Range from "waters of the U.S." This would suggest that there is no need to obtain dredge and fill permits for any activities on McGregor Range.

In addition to the Clean Water Act, operation of McGregor Range could involve the Safe Drinking Water Act because of the pipeline conveying water to Orogrande. The water suppliers have the primary responsibility for maintaining appropriate levels of water quality for their users but any impacts on the source of these supplies or to the pipeline may involve parts of the Safe Drinking Water Act.

2.6.2 Management Actions

Actions. Develop a watershed management plan for each of six priority areas: four in the El Paso Draw watershed (Powell, Munson, Wildcat, Horse Camp), one straddling the Sacramento and El Paso watersheds (Daggar), and one in the Culp watershed (Lower Culp).

Existing water lines and water points will be maintained so that water is available for wildlife year-round. New water lines and water points will be designed to enhance habitat as specified in habitat management plans (HMPs). Maintain existing facilities and construct range improvements (e.g., water pipelines, wells, water troughs, storage tanks, and dirt tanks) as needed to achieve resource objectives and consistent with meeting the New Mexico Standards and Guidelines. Develop nonpoint-source control guidance for roads, stream crossings, and disturbances over 1 acre using best management practices (Appendix A).

2.6.3 Monitoring

Collect and evaluate inventory and monitoring data on a regular basis as needed to determine achievement of public land health standards, or progress toward meeting those standards. BLM will monitor public land health indicators; appropriate indicators are presented in the standards and ecological site indicators and any other pertinent components to determine trends, conditions, and functionality of resources with respect to standards achievement. The BLM also will collect inventory and monitoring information to identify causal factors for non-attainment of standards. Areas with little or no resource use or concerns could require only minimal monitoring, such as occasional visual observation. Areas of higher use or resource concern could require more intensive monitoring.

Prioritization, intensity, and scale (watershed, subwatershed or reach/site) of monitoring efforts will be determined through watershed management plans or individual reach/site assessments. Identification of specific riparian attributes of vegetation, hydrology/geomorphology, and erosion to be monitored shall be identified through proper functioning condition assessments (BLM 1993, 1998) and activity-level planning.

2.7 AIR QUALITY

2.7.1 Continuing Management Guidance

All BLM actions and use authorizations must comply with all applicable Federal, State, tribal, and local air quality law, statues, regulations, standards, and implementation plans. Prior to implementation, all BLM-initiated or authorized activities within nonattainment and maintenance areas must undergo a review and determination (when applicable) to determine conformity with the National Ambient Air Quality Standards, per 40 CFR part 93.150 et seq. If the standards are being met, the area is designated as

attainment, and if the status of attainment has not been verified through data collection, the area is unclassified. For permitting purposes, an unclassified area is treated as an attainment area. McGregor Range is located in Otero County, which is currently classified as in attainment with all State and Federal air quality regulations. No management decisions were made in this RMPA pertaining to air quality.

2.8 VEGETATION

The objective of vegetation management within the grazing area on the withdrawn public land is to maintain a desirable vegetation resource that maximizes public land health, and supports the livestock grazing program, wildlife habitat, and special status species needs.

The objective of the noxious weed program on the withdrawn public land is to prevent the introduction of invasive species, provide for their control, and minimize the economic, ecological, and human health impacts that invasive species cause while maximizing public land health.

2.8.1 Continuing Management Guidance

BLM has entered into a memorandum of understanding and a cooperative agreement with Otero County for the control of noxious weeds. Pursuant to the memorandum of understanding, BLM participates in a Voluntary Noxious Plant Control Interagency Working Group and has agreed to complete an environmental assessment for weed control actions. Under the agreement, the Otero County Soil and Water Conservation District will store and apply herbicide to control noxious weeds and provide the BLM Las Cruces District Office with a Pesticide Application Record indicating dates, locations, and amounts of herbicides applied. If it is determined that the New Mexico Standards for Public Land Health are not being met due to activities associated with vegetation management, BLM will determine appropriate actions to ensure that standards can be met or that significant progress can be made toward meeting those standards.

2.8.2 Management Actions

Allowable Uses. The Black Grama Grassland ACEC will be maintained on 3,718 acres. Vegetation sale areas will be maintained on 19,575 acres (see Map 2). Plant removal is limited to cacti, yucca and ornamental species that are not sensitive or which are not known to provide hunting, nesting, or perching sites for falcons or other raptor species. Portions of McGregor Range are available for BLM to collect seeds for BLM restoration projects.

Actions. Develop a noxious weed management plan in coordination with Fort Bliss and incorporate Fort Bliss noxious weed surveys as available. (See Appendix D for additional guidance in developing the weed management plan.)

2.8.3 Monitoring

BLM will periodically assess public land health indicators to determine achievement of public land health standards, or progress toward meeting those standards. The BLM also will collect inventory and monitoring information to identify causal factors for non-attainment of standards. Areas with little or no resource use or concerns could require only minimal monitoring, such as occasional visual observation. Areas of higher use or resource concern could require more intensive monitoring.

BLM will monitor seed collection areas every 3 years to determine impacts from seed collection.

2.9 WILDLIFE

The objective of the wildlife habitat management program on the withdrawn public land is to restore, maintain, and enhance habitat conditions to ensure optimum populations and a natural abundance and diversity of wildlife resources; to conserve rare, vulnerable, and representative habitats, plant communities, and ecosystems; and maximize public land health.

2.9.1 Continuing Management Guidance

According to FLPMA and U.S Department of the Interior policy (43 CRF Part 24.4), BLM is responsible for managing habitat on public land. Resident fish and wildlife species (with the exception of migratory birds and endangered species) are managed by the state agencies with responsibility over them. As such, the BLM works closely with the New Mexico Department of Game and Fish (NMDGF) to develop and implement habitat management plans and to mitigate or avoid the impacts of BLM actions. BLM is the lead agency in coordination of all recommendations to NMDGF concerning wildlife population management.

The wildlife program at McGregor Range is coordinated with NMDGF and Fort Bliss through a series of memorandums of understanding. Fort Bliss is responsible for wildlife habitat management on U.S. Army fee-owned land. The emphasis of habitat management under the Fort Bliss Integrated Natural Resource Management Plan (INRMP) (U.S. Army 2001) is to conserve biodiversity. According to the INRMP, habitat management actions are to be integrated with an ecosystem approach and not strictly on the basis of individual species. The INRMP identifies various vegetation treatments that may be used for habitat management. Measures to reduce impacts of military activities on wildlife also are identified and include restrictions on activities in the vicinity of wildlife waters, use of vegetation for camouflage, and off-road vehicular traffic. Unique and sensitive areas designated for special protection in the INRMP include arroyos, cliffs, black grama grasslands, Otero Mesa, and the Hueco Mountains.

Animal damage control activities on McGregor Range will be conducted in accordance with the work plan for Predator Damage Management, which is developed each year for the Las Cruces District Office between the BLM Las Cruces District Manager and the U.S. Department of Agriculture, Animal Plant and Health Inspection Service, Wildlife Services, State Director (USDA and USDI 2005).

2.9.2 Management Actions

Actions. Two HMPs will be developed and implemented, one for the Sacramento Mountain foothills and one for grassland habitat (covering a total of 205,109 acres). Each plan will (1) guide the management, monitoring, and evaluation of habitat; (2) identify priority species and their habitats; (3) develop objectives for enhancing and maintaining the priority habitat (based on standard habitat sites, standards for public land health, and the latest range site guidelines); and (4) determine and implement monitoring needed to measure the success of the habitat management.

Develop a memorandum of understanding among BLM, Fort Bliss, and NMDGF to coordinate the management of wildlife including control of exotic species (oryx). The memorandum of understanding will include language to collect hunt data on an annual basis. BLM will use animal-control measures to meet objectives for wildlife habitat.

2.9.3 Monitoring

Monitoring of the HMPs will be determined within those plans. Data will be used to help determine areas where habitat is limited and where special management may be needed. Baseline big game and non-game

use patterns and estimated population levels will be calculated using the hunt information collected annually. Every 5 years, population levels and distribution of game species within the resource area will be evaluated. Monitoring could consist of intensive research projects or passive population inventories designed to help identify the extent of the populations and the habitats that are being used. Each vegetative community will be evaluated periodically during public land health assessments and after major catastrophic events such as large-scale wildfires. Where necessary, recommendations will be made for protection and restoration of damaged or degraded habitats. Monitoring for vegetation, water resources, and livestock grazing also will provide an indication of the condition of wildlife habitat.

2.10 SPECIAL STATUS SPECIES

The objective of the special status species program is to preserve, enhance, and maintain habitat conditions for the conservation of special status species on the withdrawn public land while maximizing public land health.

2.10.1 Continuing Management Guidance

The Endangered Species Act, as amended, requires special protection and management for federally listed threatened and endangered species, or species proposed to be listed as threatened and endangered. BLM also is responsible for managing habitat for a large number of sensitive species that are not protected under the Endangered Species Act (e.g., BLM Sensitive Species, State Threatened and Endangered Species) in order to use a broad range of management options to protect species and avoid the need to institute Federal listing as threatened or endangered species.

At the State level, the Forestry Division of the NMNRD administers the New Mexico Endangered Plant Species Act (9-10-10 NMSA 1978), and the NMDGF administers the Wildlife Conservation Act (17-2 NMSA 1978) (BLM 1999). Plant species listed as endangered or threatened under the New Mexico Endangered Plant Species Act are protected from collection without a permit and the New Mexico Rare Plant Technical Council maintains a current list of New Mexico's rare plants. Similarly, the Wildlife Conservation Act requires the listing of any species or subspecies of "wildlife indigenous to the state" as endangered or threatened on the basis of investigations and other scientific and commercial data, and after consultation with wildlife agencies in other states, Federal agencies, local and Tribal governments, and other interested persons and organizations. BLM's policy regarding State-listed species, as outlined in the BLM Manual 6840, is to work cooperatively with the State agency to conserve them (BLM 1999).

2.10.2 Management Actions

Actions. BLM will identify special status species and their habitats in conjunction with assessments for other actions, and avoid adverse effects on these species and their habitats. Survey for special status species will occur in conjunction with assessments for other actions, if determined to be appropriate based on existing records and literature.

BLM will cooperate with the U.S. Fish and Wildlife Service (USFWS) on the release of aplomado falcons under Section 10J of the Endangered Species Act for McGregor Range. If Otero Mesa (including parts of McGregor Range) is identified by USFWS as one of the areas for release of aplomado falcon, the Grassland Habitat HMP will be expanded to address management issues necessary for aplomado falcons, as well as other grassland dependent species. The HMP will encompass suitable habitat on McGregor Range; however, it also may be developed in conjunction with appropriate public land adjacent to McGregor Range. This HMP will be developed prior to any releases, unless waived by the BLM State Director, in which case the HMP will be developed subsequent to the release. Best management practices (Appendix A) will be followed to avoid impacts to special status species.

2.10.3 Monitoring

Monitoring for special status species will be conducted in key areas and designed to best reflect the attribute that identified the species for a special status species category. Monitoring efforts for special status plant species include establishment of permanent plots in critical habitats to determine the trend of individual plants or populations. Examples of monitoring methods include circle plots and line transects. Both methods include photo points, as well as measurements of individual plants within the population. Monitoring is conducted on a yearly basis as staff and budget allows, and is expected to continue until the species is stable and removed from the Federal threatened, endangered, or candidate or BLM Sensitive lists. Monitoring efforts for special status animal species include proper functioning condition assessments for riparian areas, species counts, and radio telemetry tracking. Monitoring for vegetation, water resources, and livestock grazing will also provide an indication of the condition of special status species and habitat.

2.11 LIVESTOCK GRAZING

The objective of the grazing management program on the withdrawn public land is to maximize public land health. The grazing program should be self-sustaining through management of the desired plant communities and competitive bidding of grazing units at public auction. This will be accomplished by continuing to commit resources toward administering an effective grazing program.

2.11.1 Continuing Management Guidance

Public Land Order (PLO) No. 1470 of August 21, 1957 withdrew public land on McGregor Range for use by the U.S. Army as a missile testing range. Section 4(e) of the PLO allowed grazing on McGregor Range if compatible with military uses. A memorandum of understanding between the U.S. Army and U.S. Department of the Interior was established in 1966 that provided for co-use grazing on McGregor Range (BLM 1990b). In accordance with the Military Lands Withdrawal Act of 1986, grazing is to be continued on McGregor Range and managed pursuant to Section 608 of FLPMA until Congress determines otherwise (BLM 1990a). The right to use forage within grazing units on McGregor Range is determined via competitive bidding at public auction, under provisions of the Federal Material Disposal Act of 1947, as amended.

Additional policy for the management of livestock grazing is included in the New Mexico Standards and Guidelines. The standards describe conditions needed for healthy sustainable public rangelands and relate to all uses of public land. They provide the measure of resource quality and functioning condition upon which the public land health will be assessed. In order to measure the effectiveness of each standard, a set of measurable indicators and associated criteria has been identified. Livestock grazing guidelines are practices, methods, or techniques determined to be appropriate to ensure that standards can be met or that significant progress can be made toward meeting those standards. Guidelines are tools such as grazing systems, vegetative treatments, or improvement projects that help managers and permittees achieve standards.

The livestock grazing guidelines were designed to improve public land health and are to be implemented at the watershed, allotment, or pasture level if it is determined that the standards are not being met, and livestock grazing is the cause. Additional guidelines may be developed should the need arise. If it is determined that the standards are not being met as a result of another activity (i.e., road placement, recreation, etc), program leads will determine appropriate actions to ensure that standards can be met or that significant progress can be made toward meeting those standards. The grazing units on McGregor Range currently are being evaluated to determine if the standards are being met. The livestock grazing

guidelines or other appropriate actions will be implemented if it is determined that the standards are not being met on McGregor Range.

BLM Manual 4180, Rangeland Health Standards, provides the policies, minimum requirements, and roles and responsibilities for developing and implementing land health standards established in land use plans. BLM Handbook H-4180-1, Rangeland Health Standards, gives specific direction for implementing the policies listed in the 4180 Manual and provides direction for implementing the BLM's Healthy Rangelands Initiative. The handbook also provides direction for developing and amending standards and guidelines, and provides guidance for conducting assessments and evaluations as well as guidelines for reporting.

2.11.2 Management Actions

Allowable Uses. As specified in PL 106-65, livestock grazing will be limited to the 14 existing grazing units. The grazing season of use will be determined on a unit-by-unit basis. Where BLM can meet public land health standards (desired future conditions), the grazing season of use will be adjusted to sustain the competitive nature of the grazing program. Livestock grazing will continue to be limited to cattle and no more than three horses per unit.

Actions. Forage will be managed as appropriate to achieve the desired future conditions consistent with the public land standards for each ecological site as described in Appendix C of the Draft RMPA/EIS. If the utilization is not consistent with the desired future condition, the livestock numbers will be adjusted and/or grazing will be deferred during the growing season. BLM will be responsible for all grazing-related facilities, and will maintain all wildlife waters year-round.

Continue to coordinate on animal damage control in accordance with the nationwide memorandum of understanding between the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (New Mexico ADC) and BLM to meet objectives for livestock grazing.

New range improvements such as wells, water troughs, water storage tanks, fences, cattle guards, corrals, and roads will be constructed to maintain or improve the desired plant community and assist in management of livestock.

2.11.3 Monitoring

Data such as actual livestock use, utilization of forage species, climatic data, rangeland condition, and trend will be collected from monitoring. The intensity and frequency of monitoring data collection will vary. The monitoring schedule and frequency of evaluations will be dependent on staffing and budget. Indicator assessments will occur to determine progress towards meeting public land health standards. Monitoring data will be collected and/or evaluated to determine causal factors for not meeting the standards.

2.12 FIRE MANAGEMENT

The objective of the fire management program is to allow fire to resume a natural ecological role on public land, reduce fire suppression costs, reduce acres damaged by severe wildfires, increase public safety from wildfires, and maximize public land health. Short-term objectives include reducing hazardous fuels through various treatment methods (mechanical, chemical, and prescribed fire) and reintroduce fire into the ecosystem.

2.12.1 Continuing Management Guidance

The Federal Wildland Fire Management Policy establishes the guiding principles and policy statements for all Federal wildland fire management activities to ensure consistency, coordination, and integration of wildland fire management programs and related activities throughout the Federal government. The policy outlines provisions for 17 topic areas including safety, ecosystem sustainability, protection priorities, urban interface issues, and suppression (NIFC 2001). The EPA has developed an Interim Air Quality Policy on Wildland and Prescribed Fires. This policy provides guidance on mitigating air pollution impacts caused by wildland fires and ways for land managers to coordinate fire activities, minimize air pollutant emissions, manage smoke from prescribed fires, and mitigate unavoidable impacts on the public (EPA 1998).

BLM policy, described in H-1625-1, Resource Management Planning—Fire Management provides guidance for identifying resource management objectives that consider and take advantage of natural processes, particularly fire (BLM 1988). BLM policy, described in H-8550-1, Interim Management Policy and Guidelines for Lands Under Wilderness Review, requires that lands under wilderness review be managed so as not to impair their suitability for preservation as wilderness (BLM 1995).

Fire management must be consistent with BLM laws, regulations, and policy and must be integrated into other plans to meet the intent of the 2001 update of the National Fire Plan, which states that "fire management planning, preparedness, prevention, suppression, fire use, restoration and rehabilitation, monitoring, research, and education will be conducted on an interagency basis with the involvement of cooperators and partners." In addition, if it is determined that the New Mexico Standards for Public Land Health are not being met due to activities associated with fire management, BLM will determine appropriate actions to ensure that standards can be met or that significant progress can be made toward meeting those standards.

The Fire and Fuels Management Plan Amendment establishes objectives for fire and fuels management, delineates fire management units and fire management categories, identifies broad vegetation treatments, identifies general restrictions on fire management practices, and determines the criteria for changing fire management units (BLM 2004).

2.12.2 Management Actions

Actions. Consistent with the 2004 Statewide Fire and Fuels Management Plan Amendment, develop a plan for prescribed burning that will (1) develop criteria that guide when, how (operational details), and under what conditions prescribed burns will be conducted, and include a plan for monitoring success of prescribed burns; and (2) develop burn plans that will support recovery of the special status species.

2.12.3 Monitoring

BLM will conduct post-fire and post-treatment monitoring, as well as adaptive management, in accordance with Appendix A.6 of the 2004 Statewide Fire and Fuels Management Plan Amendment. To understand the effects of fire management activities, resource conditions will be measured against benchmarks; in this case, benchmarks are provided by the desired future conditions for ecological sites that have been evaluated by BLM.

2.13 HAZARDOUS MATERIALS

2.13.1 Continuing Management Guidance

There are numerous Federal laws, regulations, and guidance documents governing the management of hazardous materials and wastes (see Appendix C).

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and the Superfund Amendments and Reauthorization Act of 1986 provide for liability, risk assessment, compensation, emergency response, and cleanup for hazardous substances. The Emergency Planning and Community Right-to-Know Act of 1986 requires facilities that use hazardous substances to prepare annual chemical inventory reports if certain chemicals over threshold quantities are used or stored at a facility and to submit the report to local emergency planning communities. EO 12856 requires Federal facilities to comply with the Emergency Planning and Community Right-to-Know Act of 1986. The Resource Conservation and Recovery Act of 1976 regulates the storage, transportation, treatment, and disposal of hazardous waste. The Federal Facility Compliance Act of 1992 provides for civil penalties against Federal agencies for noncompliance with RCRA, and directs the EPA to promulgate regulations identifying when military munitions become a hazardous waste subject to RCRA regulations. No management decisions were made pertaining to hazardous materials.

2.14 CULTURAL RESOURCES

The objectives of the cultural resource program on the withdrawn public land are to preserve and protect significant cultural resources and ensure that they are available for appropriate uses by present and future generations. Imminent threats from natural or human-caused deterioration, or potential conflicts with other resource uses, are to be reduced by identifying priority geographic areas for new field inventory, based upon a probability for unrecorded significant resources.

2.14.1 Continuing Management Guidance

In managing withdrawn public land on McGregor Range, BLM must comply with numerous Federal laws, implementing regulations, and other policy documents regarding cultural resources and historic preservation (see Appendix C). BLM has issued policy in the form of manuals, including Manual 8100, Cultural Resource Management; Manual 8110, Identifying Cultural Resources; Manual 8120, Protecting Cultural Resources; Manual 8130, Utilizing Cultural Resources for Public Benefit; and Manual 8160, Native American Coordination and Consultation. The BLM State Office also has issued supplemental Manual H-8100-1, Procedures for Performing Cultural Resource Fieldwork on Public Lands in the Area of New Mexico State BLM Responsibilities. In addition, specific policy for addressing cultural resources in resource management plans has been issued as Information Bulletin 2002-101. The bulletin defines policy for identifying cultural resources, defining management goals, allocating uses of cultural resources, and defining management actions to support the plan goals.

BLM applies a "rule of reason" in considering how potential effects of BLM actions on cultural resources will be considered on non-Federal land (BLM Manual 8100.07 and nationwide programmatic agreement). Under this policy, BLM inventories, evaluates, and assesses potential effects on cultural resources on non-public land to the extent that effects stem from BLM decisions. These situations may arise for linear projects that cross lands of various jurisdictions, including public land, or issuance of permits to drill on "split estate" lands. Any such applications are cognizant of the New Mexico Cultural Properties Act, which addresses cultural resources on State Trust Land.

2.14.2 Management Actions

Actions. BLM will nominate the Escondida Site to the National Register of Historic Places, designate 220 acres around the site as an ACEC, and limit OHV use to an existing road that will be designated for limited use through this parcel. BLM also will prepare an activity plan to protect the site.

BLM will nominate six sites to the National Register of Historic Places, including two historic sites (Don Lee Ranch and Turquoise Railroad Station) and four prehistoric sites (Dos Manos Site, McGregor Site, Pendejo Cave, and Pintada Rock Shelters).

BLM will participate in ongoing review and revision of the McGregor Range element of the Integrated Cultural Resource Management Plan prepared by Fort Bliss. Fort Bliss has lead responsibilities for implementing the plan for military undertakings. BLM will have similar lead responsibilities for managing cultural resources for nonmilitary activities in accordance with the BLM Nationwide Programmatic Agreement and New Mexico Protocol. BLM and Fort Bliss will coordinate regular consultation, as well as project-specific consultations with tribes to promote a better understanding of tribal concerns about traditional cultural resources on public land and how best to manage them.

BLM and Fort Bliss cooperatively will assign cultural resources to BLM cultural resource use categories as appropriate, and develop and maintain a resource listing to document use allocations. (This reflects BLM policy defined by Manual 8110.) BLM and Fort Bliss cooperatively will program and conduct future inventories and other cultural resource studies in response to proposed undertakings. BLM will cooperate with Fort Bliss in designing and implementing a survey plan to increase the sample size in sensitive areas under-represented by prior surveys.

BLM will work with State Historic Preservation Officer to incorporate BLM data (surveyed areas and recorded sites) into the New Mexico Cultural Resources Information System database, and update with new information as compiled.

2.14.3 Monitoring

BLM will cooperate with Fort Bliss in patrolling and monitoring the condition of cultural sites in response to information about damage or deterioration.

2.15 PALEONTOLOGICAL RESOURCES

The objective of the paleontological resource program on the withdrawn public land (as defined in BLM Manual H-8270-1, General Procedural Guidance for Paleontological Resource Management) is to provide protection of the resources. It is the policy of BLM to manage paleontological resources for these values and to mitigate adverse impacts on them.

2.15.1 Continuing Management Guidance

The BLM New Mexico State Office has a cooperative agreement with the New Mexico Museum of Natural History and Science and the New Mexico Museum of Natural History Foundation to ensure the care, protection, and storage of paleontological resources collected from public land in New Mexico. Fossil resources encountered on the public land will be provided to paleontologists from New Mexico Museum of Natural History and Science for professional evaluation, care, and management. New Mexico Museum of Natural History and Science holds a statewide permit with the BLM for the collection of vertebrate fossils from public land. The vertebrate paleontologists at the museum collect and study these fossils. In addition, any vertebrate fossil discovered on public land during the course of a permitted

activity or reported by a citizen will be collected and curated at the New Mexico Museum of Natural History and Science.

Adherence to the guidelines as set forth in the BLM's General Procedural Guidance for Paleontological Resource Management (BLM Manual H-8270-1) is expected to reduce or eliminate adverse impacts on paleontological resources from surface-disturbing activities.

2.15.2 Management Actions

Actions. Protect and conserve paleontological resources according to BLM Guidelines and the memorandum of understanding with the New Mexico Museum of Natural History and Science that allows the use of expert paleontologists from local institutions. When actions are proposed, evaluate areas with known paleontological resources or a high potential for fossils that are important for scientific purposes to be sure those areas are adequately evaluated or have appropriate mitigation plans for any proposed actions or undertakings.

2.15.3 Monitoring

BLM will cooperate with Fort Bliss in patrolling and monitoring the condition of paleontological sites in response to information about damage, deterioration, or illegal collection.

2.16 RECREATION AND VISUAL RESOURCES

The primary objective of the recreation program on the withdrawn public land is to ensure continued availability of outdoor recreation opportunities while maintaining or improving public land health.

2.16.1 Continuing Management Guidance

Continuing management guidance for OHV use is discussed under Section 2.3.1. The visual character of the landscape is managed to protect the quality of the scenic values. Unique or scenic attractions adjoining heavily traveled highways will be managed on a priority basis. The BLM Visual Resource Management (VRM) system is the basic tool for the inventory, planning, and management activities for visual resources in BLM's Decision Area. As described in BLM's handbook for managing visual resources, H-8410-1, Visual Resources Inventory, the VRM classes prescribe the level of modifications allowable under the VRM system. For each class, the primary character of the landscape should be retained regardless of the degree of modification.

BLM's policy, described in BLM Manual Section 8400, Visual Resource Management, explains that the BLM has a basic stewardship responsibility to identify and protect visual values on all BLM-managed land (BLM 1984). To accomplish this, BLM prepares and maintains an inventory of visual values on all public land, develops visual management objectives (classes) through the RMP process that conform with the resource allocation decisions made in the RMP, and incorporates visual design considerations into all surface-disturbing projects. In addition, BLM's policy specifies that VRM is a management responsibility shared by all resource programs.

Instruction Memorandum No. 98-164 provides additional guidance on the management of visual resources. The memorandum states that when VRM is addressed during the RMP process, and VRM management decisions are made, the implementation of those decisions is mandated just as they are for any other resource allocation decisions.

2.16.2 Management Actions

Allowable Uses. OHV use will be limited to designated roads and trails, with the exception of 3,718 acres that are closed to OHV use (the Black Grama Grassland ACEC). BLM, in coordination with Fort Bliss, will identify areas suitable for recreation opportunities and develop terms and conditions for that use.

Actions. BLM will develop an educational program to inform the public about the areas available for recreation opportunities on the withdrawn public land on McGregor Range, terms and conditions of use, and how to access the areas. Establish camp locations (using global positioning system) that are suitable considering potential need for protection of other resources and military activities.

Current VRM classes will be maintained, as identified in Map 3. All WSAs are managed as VRM Class II.

2.16.3 Monitoring

Recreation monitoring will occur on an ongoing annual basis and will include periodic patrols to check boundaries of recreation areas and signing; ensure visitor compliance with rules and regulations; establish baseline data, as needed; determine current impacts from recreational use; and record data to help determine appropriate levels and patterns of recreational use and the influences of other resource uses. Monitoring will focus on visitation levels; compliance with rules, regulations, and permit stipulations; dispersed uses; permits; and prescribed standards and guidelines as set forth in planning documents. Methods of monitoring could include one or more of the following: traffic counters; limits of acceptable change studies, as needed; user contacts; monitoring of permitted use; and photo documentation of changes in resource condition over time. These data will be used to manage visitor use, develop plans and projects to reduce visitor impacts, and meet visitor expectations and demands. The level of monitoring will be contingent on available funding.

Monitoring for visual resources will be ongoing for all projects (including but not limited to projects associated with any developments, land alterations, vegetation manipulation, etc.) that could potentially affect visual resources. These projects will be monitored to ensure compliance with established visual resource management classes. Monitoring will include use of the visual contrast rating system, described in BLM Manual 8400 (BLM 1984), where appropriate, during project review.

2.17 SPECIAL MANAGEMENT AREAS

The objective of the wilderness program on the withdrawn public land on McGregor Range is to manage the Culp Canyon WSA and the portion of the Sacramento Escarpment WSA within McGregor Range in compliance with the BLM Interim Management Policy. The objective for the ACEC program is to give priority to the designation and protection for specific areas that meet BLM's relevance and importance criteria for ACECs, and that require special management.

2.17.1 Continuing Management Guidance

The Wilderness Act (PL 88-577) of 1964 provides for the establishment of wilderness areas (designated by Congress), which are administered for the use and enjoyment of the public in such a manner as will leave them unimpaired for future use and enjoyment as wilderness. FLPMA authorized the BLM to classify and recommend suitable BLM land for wilderness designation. FLPMA also requires BLM to maintain a continuing inventory of public land and its resources, including wilderness values.

There are two WSAs in the Planning Area: the Culp Canyon WSA and a portion of the Sacramento Escarpment WSA. These WSAs were designated in the November 1980 Wilderness Study Areas Decisions, but the Sacramento Escarpment WSA was inadvertently left out of the associated RMPA. WSAs are managed according to the BLM policy, described in H-8550-1, Interim Management Policy and Guidelines for Lands Under Wilderness Review, which requires that lands under wilderness review be managed so as not to impair their suitability for preservation as wilderness (BLM 1995). WSAs are managed under this policy until the areas are either designated as Wilderness or released from wilderness study by Congress. The objective of the wilderness program on the withdrawn public land on McGregor

Range is to manage the Culp Canyon WSA and the portion of the Sacramento Escarpment WSA within McGregor Range in compliance with the BLM Interim Management Policy.

Federal regulations for BLM's planning, programming, and budgeting (BLM Manual 1613 and 43 CFR 1610.7-2), require that areas having potential for ACEC designation and protection management be identified and considered throughout the planning process. ACECs must meet relevance and importance criteria and require special management to protect the area and prevent irreparable damage to resources or natural systems, or to protect life and promote safety in areas where natural hazards exist.

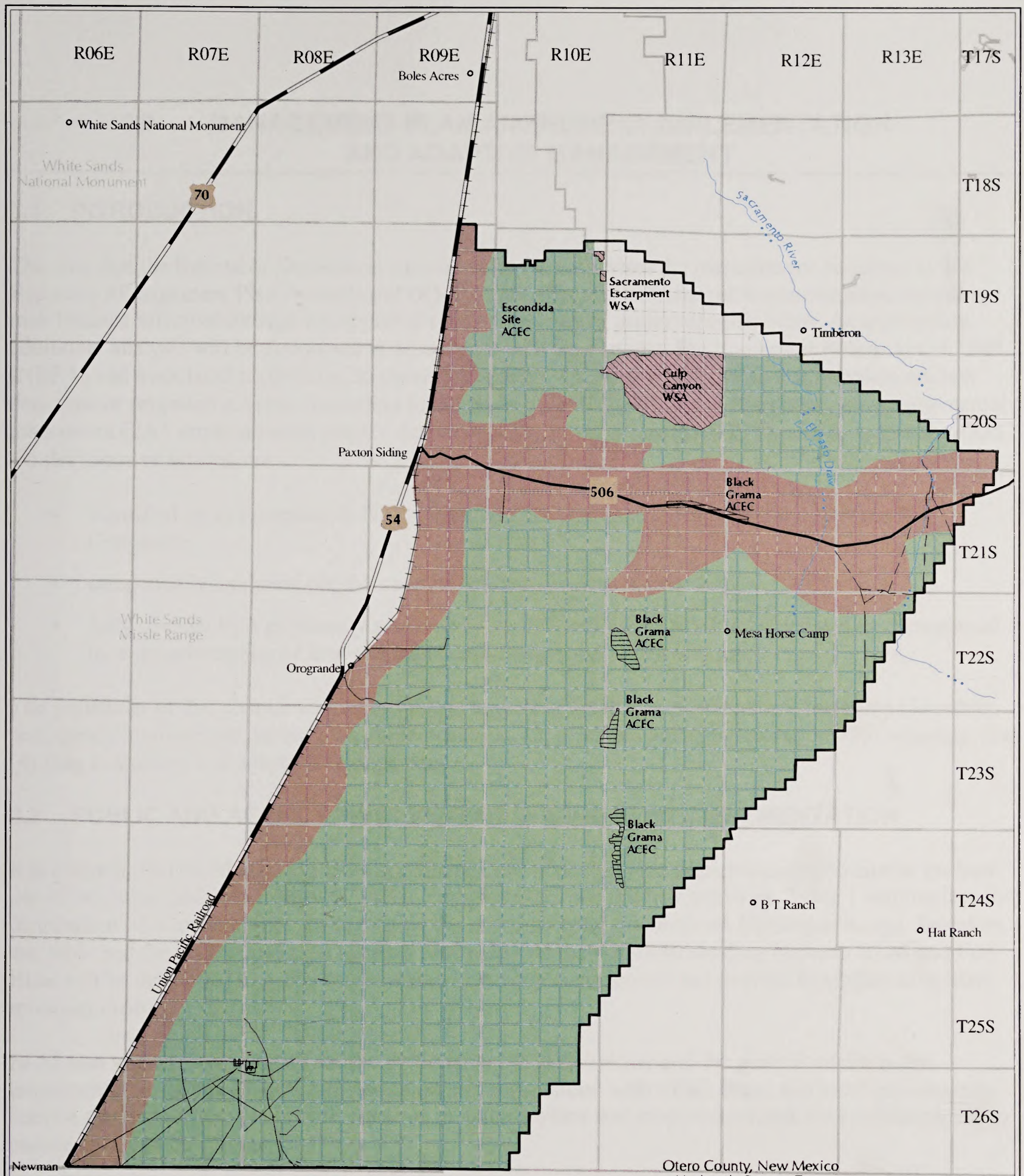
2.17.2 Management Actions

Allowable Uses. WSAs are managed according to the Interim Management Policy and Guidelines for Lands Under Wilderness Review. As described in Section 2.12.1, the Black Grama Grassland ACEC will be maintained on 3,718 acres and the Escondida Site will be managed as a 220-acre ACEC.

2.17.3 Monitoring

The interim management policy requires monitoring of all WSAs on a regular basis to ensure wilderness characteristics are maintained. Monitoring levels could vary by WSA depending on use, access, conflicts, and other considerations. Monitoring boundaries and OHV area and route designations is a priority action during patrols of WSAs. Methods of monitoring could be both motorized along WSA boundaries and open routes, and non-motorized. Aerial surveillance, visitor contact, and permit compliance also may be used as part of monitoring. Projects or uses allowed under the interim management policy also will be closely monitored to ensure compliance and protection of wilderness characteristics. WSAs also will be monitored to ensure any unauthorized activities are documented and rehabilitated as needed.

Monitoring of ACECs will include periodic site visits to determine whether unauthorized activities are occurring and to document site conditions.

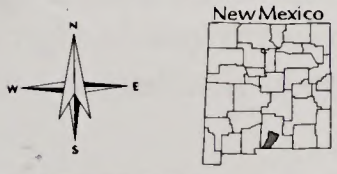


Visual Resource Management and Special Management Areas

McGregor Range RMPA

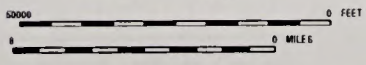
March 27, 2006

Location in New Mexico



Universal Tranverse Mercator
Zone 13, Units Meters
Clarke 1866 Spheroid
NAD27 Datum

SCALE 1 : 500,000



Legend:

Visual Resource Management Classifications:
- Class II
- Class III
- Class IV
- Area Not Classified

Special Management Areas:
- Wilderness Study Areas (WSA)
- Areas of Critical Environmental Concern (ACEC)

General Reference:
- Primary Roads
- Secondary Roads
- County Roads
- Paved or Military Restricted Roads
- Public Land Survey System
- Union Pacific Railroad
- Streams
- Geographic Place

NOTE: VRM classifications are derived from an overlay technique that combines the maps of scenic quality, sensitivity levels, and distance zones. Management classes describe the different degrees of modification allowed to the basic elements of the landscape.

SOURCE: Base Map information: BLM, Las Cruces Field Office, 2001
Visual Resource, Special Management Area Information, BLM, Las Cruces Field Office, 2001

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data were compiled from various sources. Spatial information may not meet National Map Accuracy Standards. This information may not be updated without notification.

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Map 3

3.0 MANAGEMENT PLAN AMENDMENT IMPLEMENTATION AND ADAPTIVE MANAGEMENT

3.1 INTRODUCTION

The date that the Record of Decision is signed marks the date when the management decisions in the Resource Management Plan Amendment (RMPA) are effective. Subsequent implementation decisions may become effective through the approval of activity-level or project-specific plans. As appropriate, additional analysis will be conducted in accordance with the National Environmental Policy Act of 1969 (NEPA) and associated regulations, to assess the specific effects that may result from implementation decisions or proposed actions. According to the BLM's Land Use Planning Handbook, an environmental assessment (EA), environmental impact statement (EIS), or supplemental EIS should be prepared unless the decisions or actions are:

- identified as an exception to NEPA requirements (i.e. an action specifically exempted by Congress);
- categorically excluded per the most recent departmental manual; or
- fully covered by a previously prepared EA or EIS and do not need to be updated as documented by a documentation of land use plan conformance and NEPA adequacy.

The remainder of this chapter addresses various aspects of RMPA implementation, including (1) public and agency involvement during plan implementation, (2) priorities for implementation, (3) budgeting, and (4) plan evaluation and adaptive management.

3.2 PUBLIC AND AGENCY INVOLVEMENT DURING PLAN IMPLEMENTATION

It is essential that BLM and Fort Bliss coordinate closely during plan implementation to ensure the best use of resources and information as well as compatibility with military activities. Table 1 summarizes the distribution of responsibilities for managing the environmental resources on McGregor Range. Based on this table and the management decisions, a new memorandum of understanding between BLM and Fort Bliss will be developed to guide environmental resource management and provide flexibility as military missions evolve.

BLM also will continue to seek out the involvement of stakeholders and the general public in the implementation of this RMPA. Collaboration and consultation with tribal, State, and local governments; interest groups; and the public will continue as activity plans and proposed actions are considered, and to pursue common objectives.

3.3 PRIORITIES FOR IMPLEMENTATION

Some RMPA decisions relate to ongoing management on McGregor Range, such as responding to requests for access and approving access permits or cooperative efforts with Fort Bliss to inventory and manage cultural resources. Recognition of general management guidance and land use allocations (such as the right-of-way exclusion area and OHV area designations) and initiation of monitoring efforts will be effective immediately upon approval of the Record of Decision.

TABLE 1
AGENCY RESPONSIBILITIES FOR ENVIRONMENTAL RESOURCE MANAGEMENT OF McGREGOR RANGE

Resource Decision	Withdrawn Lands	Army Fee-owned Lands
Lands		
NEPA Compliance Lead Agency		
Nonmilitary and third party activity	BLM	Fort Bliss
Military Activity	Fort Bliss	Fort Bliss
Nonmilitary demand leases	BLM	Fort Bliss
Authorization of right-of-way and short-term leases and permits	BLM with Fort Bliss concurrence	Fort Bliss
Minerals Management (including leasable, locatable, and saleable minerals)	BLM	BLM
Review of closure to leasing and mineral entry (every 5 years)	BLM with Fort Bliss concurrence	BLM with Fort Bliss concurrence
Area of Critical Environmental Concern Management	BLM/Fort Bliss/New Mexico State University	N/A
Rangeland Management		
Livestock Grazing (permitting/leasing and overall management)	BLM	BLM
Wildlife and livestock water maintenance	BLM/Fort Bliss	BLM/Fort Bliss
Maintenance and construction of livestock control fences, water pipelines, tanks, tubs, wells, windmills, wildlife waters	BLM (outside impact and military use areas) Fort Bliss (within those areas)	BLM (outside impact and military use areas) Fort Bliss (within those areas)
Wildlife Management MOU to be developed to coordinate management of wildlife	NMDGF/BLM/Fort Bliss	NMDGF/BLM/Fort Bliss
Habitat Management		
Wildlife habitat management activities	BLM	Fort Bliss
Wildlife and habitat monitoring	BLM	Fort Bliss/BLM
Special Status Species Management		
Compliance with federal and state laws affecting endangered, threatened, candidate, or sensitive plants and animals	BLM (nonmilitary actions) Fort Bliss (military actions)	Fort Bliss
Recovery plans	BLM	Fort Bliss
Sikes Act Stamp Program	NMDGF/BLM/Fort Bliss	NMDGF/BLM/Fort Bliss
Animal damage control	New Mexico Wildlife Services	New Mexico Wildlife Services
Noxious Weed Management Develop noxious weed management plan	BLM/Fort Bliss	BLM/Fort Bliss
Recreation		
Access permits	Fort Bliss/BLM	Fort Bliss/BLM
Hunting (Note: annual collection of hunt data to be included in MOU noted under Wildlife Management.)	NMDGF/BLM/Fort Bliss	NMDGF/BLM/Fort Bliss
Cultural Resources		
Lead on cultural resource management related to nonmilitary activities	BLM	Fort Bliss/BLM
Lead on cultural resource management related to military activities	Fort Bliss	Fort Bliss

Resource Decision	Withdrawn Lands	Army Fee-owned Lands
Inventory, assigning use categories, and monitoring cultural resources	BLM/Fort Bliss	Fort Bliss/BLM
Wilderness Study Area Management and Compliance	BLM/Fort Bliss	N/A
Watershed Management Develop and implement watershed management plans in six priority areas	BLM	Fort Bliss/BLM
Fire Management		
Fire suppression	BLM (nonmilitary) Fort Bliss (military)	BLM (nonmilitary) Fort Bliss (military)
Prescribed burns	BLM	Fort Bliss/BLM
Fire breaks along McGregor Range boundary where appropriate	Fort Bliss	Fort Bliss
Law Enforcement		
Nonmilitary activities/personnel	BLM	Fort Bliss/BLM
Military activities/personnel	Fort Bliss/BLM	Fort Bliss
Roads Maintenance and Planning	BLM/Fort Bliss	Fort Bliss/BLM

Many management actions in this RMPA will require additional activity planning and implementation decisions in order to achieve the broad-scale management objectives. Activity planning provides more specific program guidance while allowing the flexibility to adjust management decisions over the life of the RMPA without further plan amendment. Management decisions that require activity planning or additional proactive efforts by BLM include:

- Develop transportation and access plan
- Develop watershed management plans for each of six priority areas
- Develop two habitat management plans
- Develop a plan for prescribed burning
- Prepare an activity plan for the Escondida Site ACEC
- Nominate six sites to the National Register of Historic Places
- Develop public educational program about the areas that are available for recreational opportunities on McGregor Range and identify camp sites

These efforts will be prioritized as the Las Cruces District Office develops its implementation strategy. The implementation strategy will take into consideration existing and anticipated resources and staff.

The purpose of these more detailed plans is to (1) validate, refine, and supplement data on resource conditions, (2) address site-specific or other issues that are not appropriately addressed at the broad plan-level scale, (3) establish and prioritize implementation decisions, and (4) identify specific monitoring and research needs.

3.4 BUDGETING

Grazing fees provide the primary revenue for BLM's resource management on McGregor Range. Annually, the BLM hosts a public oral bid auction for available grazing units on McGregor Range. This event normally occurs in the month of September. The revenue collected from the grazing unit auction is put into a reimbursable account. The revenue in the reimbursable account is drawn upon for the annual operating costs of the grazing units on McGregor Range. These expenses include construction,

reconstruction, and maintenance of range improvements. Also included in the annual operating costs are salaries, vehicles, trailers, heavy equipment, contractual services, tools, and other equipment.

3.5 PLAN EVALUATION AND ADAPTIVE MANAGEMENT

3.5.1 Monitoring

Land use plan monitoring is the process of (1) tracking the implementation of the land use planning decisions (implementation monitoring), and (2) collecting data or information necessary to evaluate the effectiveness of the land use planning decisions (effectiveness monitoring).

Implementation monitoring will occur annually and result in a tracking log or report that documents the management actions that were undertaken or completed. In accordance with BLM's Land Use Planning Handbook, this log will be available for public review. The report will describe management actions proposed or undertaken to implement land use plan decisions and can form the basis for annual budget documents.

Effectiveness monitoring will occur through the monitoring strategies that are discussed for each resource and resource use in Chapter 2. These strategies will be used to collect data on resource conditions and resource uses that may be used to assess the effectiveness of implementation.

3.5.2 Plan Evaluation

Periodic evaluations of the RMPA will occur at a minimum of every 5 years. The purpose of this evaluation is to determine if:

- decisions remain relevant to current issues;
- decisions are effective in achieving or progressing towards desired outcomes;
- any decisions need to be revised;
- any decisions need to be dropped from further consideration; and
- any areas require new decisions.

BLM's Land Use Planning Handbook provides recommendations for the process to complete plan evaluations and guidance on determining when a decision should be modified, dropped, or added.

3.5.3 Adaptive Management

Adaptive management is defined by the Office of Environmental Policy and Compliance as: "...a system of management practices based on clearly identified outcomes, monitoring to determine if management actions are meeting outcomes, and if not, facilitating management changes that will best ensure that outcomes are met or to reevaluate the outcomes." The monitoring and plan evaluation efforts associated with this RMPA will contribute to the continual assessment of management objectives and actions on McGregor Range. BLM also will work closely with Fort Bliss to ensure adequate communication and cooperation on resource management and to share information on resource conditions. Adaptive management is especially important on McGregor Range, where the military mission and activities are dynamic and will require management flexibility over the life of the RMPA.

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Appendix A

Best Management Practices

APPENDIX A
BEST MANAGEMENT PRACTICES

INTRODUCTION

Best management practices (BMPs) are environmentally responsible land management methods that, when applied properly, minimize adverse impacts on the ecosystem, and retain the reclamation potential of the disturbed area while accommodating land-user objectives. The practices represent effective means of accomplishing the management goals and objectives of the Bureau of Land Management (BLM) and are aimed to achieve sustainability through efficiency combined with effective environmental protection and sound resource management. The intent of the BMPs is to promote better stewardship of public land and its resources and should be used as guidance when preparing plans and details that are specific to individual projects.

BMPs may be general and apply nationwide, agency-wide, or regionally, or may be more specific and apply to a particular area or site. BMPs should not be construed as rigid requirements that will be applicable to every situation, but should be flexible enough to respond to new data, technological advances, and market conditions.

General BMP guidance is provided in many of the BLM's manuals and in documents such as the BLM New Mexico Standards for Public Land Health and Guidelines for Livestock Grazing Management (Standards and Guides) completed by BLM in 2001and Surface Operating Standards for Oil and Gas Exploration and Development ("Gold Book") completed by the BLM and Forest Service in 1989 and revised in 2006 (USDOI and USDA 2006). The BLM has developed BMPs that are specific to a resource or land use; for example, BLM New Mexico BMP guidance for land management activities that may influence water quality (Instruction Memorandum No. NM-99-002) and BLM New Mexico State Office Road Policy, Standards, and Procedures (Instruction Memorandum No. NM-95-031). BMPs often are developed for and identified, along with mitigation measures, in project-specific environmental documents and/or construction, operation, and maintenance plans.

While the goals and objectives regarding BMPs are similar in intent, an operator/land user must be responsible for understanding the BLM's responsibilities. Knowledge of the BLM's Resource Management Plan as well as agency operational standards, procedures, and environmental protection requirements will help an operator/land user to meet these standards. Understanding the BMPs and the flexibility in their application are important in selecting BMPs that offer site-specific control of potential effects of activities. There may be more than one correct BMP for reducing or controlling potential effects. Care must be taken to select BMPs that are practical and economical while allowing both multiple use and sustainability.

Unusual situations may arise for which the measures recommended generally by BLM may not suffice. In these cases, common sense is most often the best guide. The operator/land user and BLM working together can develop the most appropriate approach to achieve the management objectives in each situation.

BLM BEST MANAGEMENT PRACTICES

The best management practices described below may apply to any BLM permitted project on withdrawn public land within McGregor Range.

Prior to Surface Disturbance

Activities occurring during preliminary investigations prior to surface disturbance may include flagging and providing engineering consideration of proposed project routes, conducting cultural surveys, and performing special status species surveys. A permit is not required to conduct such preliminary investigations, and they are often conducted as a part of the requisite environmental impact assessments. On McGregor Range, most of these investigations will be conducted by BLM personnel or approved contractors.

In general, the BLM requires an examination of resource values and development of appropriate surface protection and reclamation measures prior to the beginning of surface disturbing activities. Management practices specific to wildlife and vegetation resources include the following:

- Prior to surveying/flagging routes during the raptor-breeding season, the project area shall be surveyed for raptor nests. Surveys will be conducted by professional biologists approved by the Authorized Officer. The Universal Transmercator grid (UTM) locations of all raptor nests will be reported to the Authorized Officer. All active raptor nests will be avoided by the required distances described under the Well Sites section. An "active raptor nest" is defined as any raptor or corvid nest being during the current nesting season.

- In areas that constitute occupied or potential aplomado falcon habitat, a protocol survey for this species will be conducted along with the general raptor nest survey described above, prior to surveying/flagging lines during the breeding season.

- During operations at any time, large (greater than 6 feet in height) trees or shrubs containing or capable of containing a raptor nest will be avoided by vehicular traffic or other activities likely to destroy them.

- Time activities to avoid wet periods.

- Occupied habitat for special status species will be avoided in a manner similar to surface use requirements (avoid occupied habitat up to 0.25 miles) unless impacts are adequately mitigated.

Administrative Requirements

The project proponent and its contractors and subcontractors will conduct all operations in full compliance with all applicable Federal, State, and local laws and regulations.

Prior to commencing construction activities, the operator and its contractors and subcontractors may conduct a preconstruction conference with the BLM Authorized Officer. Environmental and safety training will be part of the operator, contractor, and subcontractor training prior to construction. All employees will be familiarized with the resource protection policies of the BLM, requirements, and mitigating measures incorporated into each project.

The Authorized Officer will guide the project during all stages of the project including construction, reclamation, and maintenance.

Surface Use

Roads and Access Ways

The BLM requires the use of existing roads to the maximum extent practical and minimizing new roads in unroaded areas. If existing roads are used/damaged they will be maintained at the appropriate level by the responsible parties. Where new roads are needed, construction, maintenance, rehabilitation, abandonment, and closure of the roads on public land will be in accordance with New Mexico Standards for Public Land Health, BLM Manual 9113 - ROADS, BLM "Goldbook" Surface Operating Standards for Oil and Gas Exploration and Development, Chapter 3: Surface Use, Roads and Access Ways.

Road Classes

BLM Temporary Roads - These are low volume, single-lane roads built for a specific purpose or use. They normally have a 12-foot-wide travel way and are located, designed, and constructed for temporary use. In many cases they may be constructed with little or no grading or blade use. They are usually built for dry weather use, but may be surfaced, drained, and maintained for all-weather use if the Authorized Officer concurs. Such roads are to be made impassable to vehicle travel and returned to a near natural condition upon completion of use.

BLM Resource Roads - These are low volume, single-lane roads, which may be reclaimed after a particular use terminates. These roads normally have a 12- to 14-foot travel way with intervisible turnouts. They are usually used for dry weather, but may be surfaced, drained, and maintained for all-weather use. These roads connect terminal facilities, such as a well site, to collector, local, arterial, or other higher-class roads. They serve low average daily traffic and are located on the basis of the specific resource activity need rather than travel efficiency. They may be developed for either long- or short-term service and operated either closed or open to use as determined by the Authorized Officer.

BLM Local Roads - These roads may be single- or double-lane with travel ways 12 to 24 feet in width, with intervisible turnouts. They are normally graded, drained, and surfaced and are capable of carrying highway loads. These roads provide access to large areas and for various uses. They collect traffic from resource or local roads or terminal facilities and are connected to arterial roads or public highways. The location and standard are based on both long-term resource needs and travel efficiency. They may be operated for either constant or intermittent service, depending on land use and resource management objectives for the area being served.

BLM Collector Roads - These roads are usually double-lane, graded, drained and surfaced, with a 20- to 24-foot travel way. They serve large land areas and are the major access route into development areas with high average daily traffic rates. The locations and standards often are determined by a demand for maximum mobility and travel efficiency rather than a specific resource management service. They usually connect with public highways or other arterials to form an integrated network of primary travel routes and are operated for long-term land and resource management purposes and constant service.

Design Specifications

BLM Temporary Roads

- Design speed is 15 miles per hour or less.
- Travel width is normally 12 feet.

- Recommended minimum horizontal curve radius, 100 feet. Where terrain will not allow 100-foot-curve radii, curve widening is necessary.

- Normal road gradients should not exceed 8 percent except for short pitches of 300 feet or less. In mountainous terrain, grades greater than 8 percent may be allowed, on a case-by-case basis.

- Turnouts are generally naturally occurring, such as additional widths on ridges or other available areas on flat terrain.

- Drainage must be provided over the entire road. Usually this is accomplished by use of drainage-dips, in- or out-sloping, and naturally rolling topography. Ditches and culverts may be required in some situations, but are not expected as the norm.

- Generally, gravel surfacing is not required, but if all-weather access is needed, it may be necessary.

BLM Resource Roads

- Design speed 15 miles per hour.

- Travel way width—minimum 12 feet with turnouts.

- Recommended minimum horizontal curve radius, 100 feet. Where terrain will not allow 100-foot-curve radii, curve widening is necessary.

- Normal road gradients should not exceed 8 percent except for pitch grades (i.e., 300 feet or less in length). In mountainous terrain, grades greater than 8 percent may be possible, on a case-by-case basis.

- Turnouts are required on all single lane roads (travel way of 12 to 14 feet). Turnouts must be located at 1,000-foot intervals or be intervisible, whichever is less.

- Drainage control shall be ensured over the entire road through the use of drainage dips, in sloping, natural rolling topography, ditch turnouts, or culverts. Culverts, drainage crossings, and other controls should be designed for a 10-year frequency or greater storm, with an allowable head of one foot at the pipe inlet.

- Roadbed culverts should be used to drain inside road ditches when drainage dips are not feasible.

- Surfacing with an appropriate amount of gravel should be required where all weather access is needed.

BLM Local Roads

- Design speed 15 to 25 miles per hour.

- Traveled way minimum 12 feet (single lane), maximum 24 feet (double lane) with intervisible turnouts as may be required.

- Recommended minimum horizontal curve radius 100 feet. Where terrain will not allow 100-foot-curve radii, curve widening is necessary.

- Maximum grades should not exceed 8 percent. Pitch grades for lengths not to exceed 300 feet may be allowed to exceed 8 percent in some cases, to be determined by the BLM.

- All culverts must be sized in accordance with accepted engineering practices and any special environmental concerns. The minimum size culvert in any installation must be 18 inches.

- Turnouts will be required on all single-lane roads. Turnouts must be located at 750-foot intervals or be intervisible, whichever is less. The length should not be less than 100 feet with additional 25-foot transitional tapers at each end.

- Surfacing is required for all weather access. Aggregate size, type, amount, and application method will be specified by the Authorized Officer. Subgrade analysis may be required to determine load-bearing capacities.

BLM Collector Roads

- Design speed 20 miles per hour minimum unless otherwise directed.

- Travel width - minimum 20 feet, maximum 24 feet.

- Minimum horizontal curve radius, 200 feet width unless shorter radius is approved.

- Design vertical curves for a maximum change of 2 percent per 50 feet of road length.

- Maximum grade 8 percent (except pitch grades not exceeding 300 feet in length and 10 percent in grade).

- All culverts will be designed for a minimum 25-year frequency storm with an allowable head of one foot at the pipe inlet. However, the minimum acceptable size culvert diameter is 18 inches. Show all culverts planned to accurate vertical scale on plan profile sheets.

Siting of Range Improvement or Right-of-Way Project Locations

In siting facilities, the following measures must be followed:

- Disturbance will be minimized to existing fences and other improvements.

- Livestock facilities, and wildlife water supplies will be avoided by 0.25 mile.

- Prior to surveying/flagging project locations, routes for roads, and other preliminary activities, during the raptor-breeding season, the project area will be surveyed for raptor nests. Surveys will be conducted by professional biologists approved by the Authorized Officer. All active raptor nests will be avoided during the dates and by the distances listed below. An active raptor nest is defined as any raptor or corvid nest being used during the current nesting season.

Distance:

- Eagle - 0.5 mile
- Peregrine falcon – 0.5 to 4.25 miles
- All other raptor species - 0.25 mile

Timing:

- Peregrine falcon - variable March 1 through October 16
- Aplomado falcon - January 1 through July 31
- All raptor species during observed nest establishment through fledgling

Special stipulations will be applied when necessary, as a result of BLM and U.S. Fish and Wildlife Service consultation.

- In areas that constitute occupied or potential aplomado falcon habitat, a protocol survey for this species will be conducted along with the above general raptor nest survey prior to surveying/flagging locations during the breeding season (January 1 through July 31).
- During operations at any time, large trees or shrubs (greater than 6 feet in height) containing or capable of containing a raptor nest will be avoided by vehicular traffic or other activities likely to destroy them.
- Facilities will be sited to minimize in-channel excavation.
- Sites will be selected that provide topographic and vegetative screening when feasible.
- Projects will not be located within 100-year floodplains.

In constructing the site:

- Tree and vegetation clearing will be limited to the minimum area required.
- Construction activities will be timed to avoid wet periods.
- Above-ground structures will be painted to blend with the natural color of the landscape.
- Power lines will be constructed to standards outlined in the most recent version "Suggested Practices for Raptor Protection on Power Lines" published by the Edison Electric Institute/Raptor Research Foundation, unless otherwise agreed to by the Authorized Officer. The holder is responsible for demonstrating that power pole designs not meeting these standards are raptor safe. Such proof will be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modifications or additions to power line structures constructed under this authorization, should they be necessary to ensure the safety of large perching birds. The modifications and/or additions will be made by the holder without liability or expense to the United States.

Siting of Linear Projects (pipelines, powerlines, etc.)

- Location of pipeline routes will not be adjacent to live watercourses or in proximity to steep hillsides to the extent practical to minimize the risk of silt from construction entering streams.

- Pipelines will be located along, but not in existing linear facilities (other pipelines and roads) to the maximum extent practical. Minimize pipeline crossing of undisturbed areas.

- Uprooted vegetation, soil, and rocks left as a result of construction or maintenance activity will be randomly scattered over the project area and will not be left in rows, piles, or berms, unless otherwise approved by the Authorized Officer, except that an earthen berm will be left over the ditch line to allow for settling back to grade.

Maintenance of Projects

Projects must include a plan for maintenance of the structure or location. All projects will be kept in good repair and stable condition, to reduce the potential of erosion and off-site resource impacts.

Livestock Grazing Management

The following are included on McGregor Range grazing contracts as terms and conditions, and are considered to be BMPs for the grazing contractors to follow as appropriate. These grazing contract therms and conditions may vary between grazing periods to meet the BLM's objectives.

Safety

Purchaser, his family, agents, or guests are prohibited from touching, tampering with, or disturbing any shell, shell casing, missile target or components thereof which may be found on the land covered by this contract. Upon discovery of such items, purchaser will report the discovery to the Fort Bliss Range Developer Office.

Centennial U.S. Air Force Bombing Range is located in Grazing Units 9 and 13. The Bombing Range is approximately 8 sections and has a perimeter fence that is posted with signs. Portions of Grazing Units 9, 12 and 13 have access restrictions during the weekdays. This area can be accessed on Friday after 1:00 pm through Sunday evenings. One month during the summer, usually July, the restricted areas are open to access.

All visitors to McGregor Range, including livestock contractors, must be aware of the safety issues that are inherent on McGregor Range. All users must observe and obey warning signs that are posted, which provide notification and instructions regarding areas with special safety requirements.

Fires

Natural and military caused fires occur on the range. Fire fighting is hazardous and is the responsibility of the US government. Purchasers should report fires that they see to BLM but purchasers must not attempt to control them. The grazing purchaser waives any and all rights of action that might accrue due to damage to persons or property resulting from fires.

Range Improvements

Wells and Pipelines

Rights for water that flows through pipelines from the Sacramento River and Carrizo Springs are retained by Fort Bliss. The BLM will manage the day-to-day use and distribution of the water.

Wells and pipeline systems are maintained by BLM. The BLM will attempt to make repairs as soon as possible.

It will be the purchaser's responsibility to check the troughs and pipelines periodically and to inform BLM if problems are found. To prevent pipeline breaks, freeze-ups, etc., the purchaser will refrain from regulating or tampering with water valves and the pipeline system in any way. Removal of dead animals will be the responsibility of the purchaser.

Fences

All fences will be maintained by the purchaser, except in impact areas. In impact areas, the BLM will maintain the fences. Fences are expected to be maintained by the purchaser at no expense to the government, in as good a condition as when received. In maintenance of the fences, the purchaser is expected to use due care to prevent soil erosion, fire, and other damage.

Cattle Handling Facilities

Corrals, portable chutes, and portable loading ramps are available for purchaser use. They are expected to be maintained by the purchaser in as good a condition as when received. The BLM may supply material for needed repairs.

Purchaser Constructed Range Improvements

The grazing purchaser may construct range improvements necessary for the proper care and management of livestock for which this contract is issued. Authorization will be issued under a Cooperative Agreement. Temporary range improvements must be removed by purchaser within 60 days after his grazing contract has expired or within 60 days of the written notice that the contract has been cancelled for other cause. The purchaser, will restore the area to such condition as existed prior to the improvement. Failure to remove an improvement will result in the improvement being removed by the government at the expense of the purchaser with no claim for damages against the BLM or any agent thereof.

With the approval of BLM, the purchaser may leave authorized improvements intact. The U.S. government will gain title to any permanent improvement authorized to be left on the range.

Removal or Use of Resources on the Range

The awarding of the livestock grazing contract does not allow the purchaser to remove either by mechanical means or manual labor any forage, seed, firewood, trees, soil, sand, gravel, etc., from the McGregor Range. Specific written authorization must be obtained from the BLM for the removal of such material.

Movement of Livestock

Cattle may be moved on or off McGregor Range only during hours authorized by BLM normally between dawn and dusk and only when permission for access is granted by Fort Bliss.

All livestock will be counted on and off the grazing units on McGregor Range by BLM representatives. Unit purchaser must notify the representatives as specified on the contract by telephone or letter at least 3 days prior to moving cattle on or off the range, specifying the time and place on McGregor Range when cattle will be loaded or unloaded.

Holding traps will be used only when cattle are being gathered or worked. Use will be allowed for no more than 1 week at a time. At all other times, traps will not have any cattle or horses in them and gates will be kept closed. Traps are not part of the grazing units.

Dead livestock will be moved at least 300 yards from corrals and watering troughs.

Grazing Management

In order that proper utilization of forage be obtained, BLM reserves the right to designate the periods of time and areas to be grazed within each unit (such as moving cattle to dirt tanks for trampling purposes and placing of supplemental feed and salt). BLM reserves the right to require salt or supplemental feed to be placed away from the waters as needed. If certain areas of a unit show obvious over-utilization, the purchaser may be asked to relocate their cattle to other areas within the unit as specified by BLM. Failure to keep cattle scattered (away from the overgrazed area) may result in an automatic reduction in stocking rate.

The grazing period for the units shown in the Specifications and Bid Schedule will be strictly adhered to. A refund will not be made for animal unit months (AUMs) not utilized.

Purchasers are authorized to remove livestock for a period of 7 days following termination dates as long as AUMs of forage consumed are not in excess of the contracted number of AUMs.

At no time during the term of the contract, will livestock numbers exceed those shown on the bid information sheet, unless written approval is obtained from BLM. With written authorization, purchasers may receive a 15 percent increase in numbers in order to utilize AUMs purchased; however, AUMs of forage utilized may not exceed contracted numbers.

Contractors may be required to remove livestock prior to termination of grazing season in order to insure that utilization does not exceed the AUMs of forage purchased.

Class of Livestock

Those units specified as cattle or yearlings may be stocked with either class of livestock. AUM conversion calculations will be made by the authorized officer.

Cattle:

- Cow with suckling calf that is less than 6 months of age. Suckling calves born on an 8-or 9 month unit will be considered to be less than 6 months of age.

- Suckling calves born prior to the date of arrival on any unit when they have been on the unit for 6 months.

- Weaned animal.

Yearling:

- Weaned animal weighing less than 550 pounds upon entering the unit. The contractor must provide BLM with a written copy of the scale weights to receive the conversion.

- A conversion factor of 1.7 yearlings to 1.0 cow will be allowed on yearlings, provided yearling weights do not exceed 550 pounds upon entering McGregor Range.

- If the maximum authorized number of AUMs is exceeded, as a result of calves becoming countable animal units, the excess must be removed within four nonfiring days upon receipt of written notification.

Adjustment of Livestock Numbers

BLM reserves the right to reduce stocking rate on any unit when it is deemed necessary due to natural disaster, such as fire or drought, or due to obvious over-utilization of forage.

In the event such a reduction in livestock numbers is necessary, the contractor will be given a least 3 weeks notice to arrange for removal of cattle. A refund will be made for AUMs not utilized.

Horse Use

Horse grazing use on the units must be approved by the Authorized Officer. No more than three horses per unit will be allowed. Only saddle horses used for operation of the unit will be authorized. If horses are grazed on the unit, the cattle usage authorized will be reduced by the number of horses grazed.

Unauthorized Use

Unauthorized livestock shall be defined as those animals in excess of authorized numbers or AUMs; animals on a unit prior to or beyond the grazing season dates as specified in the contract; animals remaining on the unit or in a trap beyond the authorized timeframe; animals ear tagged or branded other than with purchasers tag or brand; or animals with a brand which the purchaser has no written authorization to use.

The purchaser will be notified by telephone and in writing by BLM of unauthorized livestock and allowed 4 nonfiring days from such notification to remove the livestock before unauthorized use action shall be initiated.

BLM reserves the right to gather and impound any unauthorized livestock within any grazing unit on McGregor Range. Purchaser shall bear all expenses incurred by BLM including those incurred in gathering, impounding, caring for, and disposing of livestock in cases that necessitate impoundment.

If livestock stray into adjoining units, the purchaser will be notified in writing by BLM and allowed 4 nonfiring days from receipt of such notice to remove livestock before unauthorized use action shall be initiated.

Off Road Vehicle Use

No driving off established roads will be allowed. Any type of livestock gathering or checking away from established roads will be by horseback.

Predator Control

All requests for animal damage control (coyotes) will be made to the APHIS/NMADC Program. APHIS/NMADC will coordinate predator control with Fort Bliss and the BLM.

Violations

The excavation of archaeological sites and gathering of objects of antiquity upon land subject to the contract is prohibited. Violators will be subject to prosecution with potential fines of up to $10,000 and cancellation of their grazing contract.

Discovery of any archaeological sites or items will be reported to the BLM.

Any purchaser who is convicted of violating, on the McGregor Range, any Federal Endangered Species Rules and Regulations may be subject to prosecution and cancellation of their contract. Endangered species on McGregor Range include but are not limited to eagles.

Contract Termination

The grazing contract may be terminated should the purchaser breach any of the terms or conditions stated therein.

The grazing contract may be terminated after 30 days written notice by the BLM, should Fort Bliss be assigned new, additional, or different missions which, in the opinion of the Commanding General, Fort Bliss, cannot be accomplished while such grazing contract is in effect.

Any purchaser who is convicted of violating, on the McGregor Range, any Federal endangered species rules and regulations may be subject to prosecution and cancellation of their contract. Endangered species on McGregor Range include but are not limited to eagles.

Noxious Weed Control

See Appendix D for information regarding the management and control of noxious weeds.

Pollution Control and Hazardous Substances Management

Leaking equipment will be promptly repaired or removed from the site to prevent contamination from spills. Any soil or water that has been contaminated will be placed in appropriate containers and removed from the site. Disposal of vehicle fluids on public land will not be authorized.

Use of pesticides and herbicides will comply with applicable Federal and State laws. Prior to use of pesticides, the BLM Authorized Officer will approve a plan for its use.

Interim and Abandonment Stage Reclamation

A reclamation plan will be part of the approval process for all BLM permitted projects. Additional reclamation measures may be required based on the conditions existing at the time of abandonment.

- All surface structures will be removed upon abandonment, relinquishment or termination of use of a facility.

- Proper disposal of debris and other trash and other products will be followed.

- All materials and equipment used in reclamation will be free of noxious weed seeds.

- The areas disturbed will be contoured to the original contour or a contour that blends with the surrounding topography and minimizes erosion. The soil will be free of contaminants and will have adequate depth, texture, and structure to provide for successful vegetation reclamation.

- Activities to re-establish vegetation will be initiated prior to or during the next growing season after abandonment.

- Additional agronomic practices such as imprinting, mulching, and irrigation will be required until reclamation is successful for areas where natural rainfall or other characteristics such as soil depth and structure are expected to limit seedling establishment.

- Vegetation reclamation will be considered successful when healthy, mature perennials are established with a composition and density that closely approximates the surrounding vegetation as prescribed by the BLM, and the reclamation area is free of noxious weeds.

- If necessary after reclamation, a BLM-standard four-strand barbed wire fence will be constructed to exclude livestock for a minimum of two successful growing seasons.

- The project proponent will include a restoration plan for habitat of special status species when the BLM determines it is appropriate. The restoration plan will be developed in consultation with the BLM and approved by the BLM.

The BLM will consider other BMPs on a case-by-case basis depending on their effectiveness, the balancing of increased operating costs versus the benefit to the public and resource values, the availability of less restrictive mitigation alternatives, and other site-specific factors. Examples of typical case-by-case BMPs include, but are not limited to the following:

- Installation of raptor perch avoidance

- Wildlife monitoring

- Seasonal restriction of public vehicular access

- Avoiding placement of facilities on hilltops and ridgelines

- Screening facilities from view

- Use of common utility or right-of-way corridors

Appendix B

Title XXX, Military Land Withdrawals

TITLE XXX—MILITARY LAND WITHDRAWALS

Military Lands Withdrawal Act of 1999.

S c. 3001. Short titl .

Subtitle A—Withdrawals Generally

S c. 3011. Withdrawals.
S c. 3012. Maps and l gal d scriptions.
S c. 3013. T rmination of withdrawals in Military Lands Withdrawal Act of 1986.
S c. 3014. Manag m nt of lands.
S c. 3015. Duration of withdrawal and r s rvation.
S c. 3016. Ext nsion of initial withdrawal and r s rvation.
S c. 3017. Ongoing d contamination.
S c. 3018. D l gation.
S c. 3019. Wat r rights.
S c. 3020. Hunting, fishing, and trapping.
S c. 3021. Mining and min ral l asing.
S c. 3022. Us of min ral mat rials.
S c. 3023. Immunity of Unit d Stat s.

Subtitle B—Withdrawals in Arizona

S c. 3031. Barry M. Goldwat r Rang , Arizona.
S c. 3032. Military us of Cab za Pri ta National Wildlif R fug and Cab za Pri ta Wild rn ss.
S c. 3033. Maps and l gal d scription.
S c. 3034. Wat r rights.
S c. 3035. Hunting, fishing, and trapping.
S c. 3036. Us of min ral mat rials.
S c. 3037. Immunity of Unit d Stat s.

Subtitle C—Authorization of Appropriations

S c. 3041. Authorization of appropriations.

SEC. 3001. SHORT TITLE.

This titl may b cit d as th "Military Lands Withdrawal Act of 1999".

Subtitle A—Withdrawals Generally

SEC. 3011. WITHDRAWALS.

(a) NAVAL AIR STATION FALLON RANGES, NEVADA.—

(1) WITHDRAWAL AND RESERVATION.—(A) Subj ct to valid xisting rights and xc pt as oth rwis provid d in this subtitl , th lands stablish d at th B–16, B–17, B–19, and B–20 Rang s, as r f rr d to in paragraph (2), and all oth r ar as within th boundary of such lands as d pict d on th map r f rr d to in such paragraph which may b com subj ct to th op ration of th public land laws, ar h r by withdrawn from all forms of appropriation und r th public land laws, including th mining laws and th min ral l asing and g oth rmal l asing laws.

(B) Th lands and int r sts in lands within th boundari s stablish d at th Dixi Vall y Training Ar a, as r f rr d to in paragraph (2), ar h r by withdrawn from all forms of appropriation und r th public land laws, including th mining laws and g oth rmal l asing laws, but not th min ral l asing laws.

(C) Th lands withdrawn by subparagraphs (A) and (B) ar r s rv d for us by th S cr tary of th Navy for—

(i) t sting and training for a rial bombing, missil firing, and tactical man uv ring and air support; and

(ii) oth r d f ns -r lat d purpos s consist nt with th purpos s sp cifi d in this subparagraph.

(2) LAND DESCRIPTION.—Th public lands and int r sts in lands withdrawn and r s rv d by this subs ction compris approximat ly 204,953 acr s of land in Churchill County, N vada, as g n rally d pict d as "Propos d Withdrawal Land" and "Existing Withdrawals" on th map ntitl d "Naval Air Station Fallon Rang s—Propos d Withdrawal of Public Lands for Rang Saf ty and Training Purpos s", dat d May 25, 1999, and fil d in accordanc with s ction 3012.

(3) RELATIONSHIP TO OTHER RESERVATIONS.—

(A) B–16 RANGE.—To th xt nt th withdrawal and r s rvation mad by paragraph (1) for th B–16 Rang withdraws lands curr ntly withdrawn and r s rv d for us by th Bur au of R clamation, th r s rvation mad by that paragraph shall b th primary r s rvation for public saf ty manag m nt actions only, and th xisting Bur au of R clamation r s rvation shall b th primary r s rvation for all oth r manag m nt actions.

(B) SHOAL SITE.—Th S cr tary of En rgy shall r main r sponsibl and liabl for th subsurfac stat and all its activiti s at th "Shoal Sit " withdrawn and r s rv d by Public Land Ord r Numb r 2771, as am nd d by Public Land Ord r Numb r 2834. Th S cr tary of th Navy shall b r sponsibl for th manag m nt and us of th surfac stat at th "Shoal Sit " pursuant to th withdrawal and r s rvation mad by paragraph (1).

Eff ctiv dat .

(4) WATER RIGHTS.— Eff ctiv as of th dat of th nactm nt of this Act, th S cr tary of th Navy shall nsur that th Navy compli s with th portion of th m morandum of und rstanding b tw n th D partm nt of th Navy and th Unit d Stat s Fish and Wildlif S rvic dat d July 26, 1995, r quiring th Navy to limit wat r rights to th maximum xt nt practicabl , consist nt with saf ty of op rations, for Naval Air Station Fallon, N vada, curr ntly not mor than 4,402 acr -f t of wat r p r y ar.

(b) NELLIS AIR FORCE RANGE, NEVADA.—

(1) DEPARTMENT OF AIR FORCE.—Subj ct to valid xisting rights and xc pt as oth rwis provid d in this subtitl , th public lands d scrib d in paragraph (4) ar h r by withdrawn from all forms of appropriation und r th public land laws, including th mining laws and th min ral l asing and g oth rmal l asing laws. Such lands ar r s rv d for us by th S cr tary of th Air Forc —

(A) as an armam nt and high hazard t sting ar a;

(B) for training for a rial gunn ry, rock try, l ctronic warfar , and tactical man uv ring and air support;

(C) for quipm nt and tactics d v lopm nt and t sting; and

(D) for oth r d f ns -r lat d purpos s consist nt with th purpos s sp cifi d in this paragraph.

(2) DEPARTMENT OF ENERGY.—

(A) REVOCATION.—Public Land Ord r Numb r 1662, publish d in th F d ral R gist r on Jun 26, 1958, is h r by r vok d in its ntir ty.

(B) WITHDRAWAL.—Subj ct to valid xisting rights, all lands within th boundary of th ar a lab l d "Pahut

M sa" as g n rally d pict d on th map r f rr d to in paragraph (4) ar h r by withdrawn from all forms of appropriation und r th public land laws, including th mining laws and th min ral l asing and g oth rmal l asing laws.

(C) RESERVATION.—Th lands withdrawn und r subparagraph (B) ar r s rv d for us by th S cr tary of En rgy as an int gral part of th N vada T st Sit . Oth r provisions of this subtitl do not apply to th land withdrawn and r s rv d und r this paragraph, xc pt as provid d in s ction 3017.

(3) DEPARTMENT OF INTERIOR.—Notwithstanding th D s rt National Wildlif R fug withdrawal and r s rvation mad by Ex cutiv Ord r No. 7373, dat d May 20, 1936, as am nd d by Public Land Ord r Numb r 4079, dat d August 26, 1966, and Public Land Ord r Numb r 7070, dat d August 4, 1994, th lands d pict d as impact ar as on th map r f rr d to in paragraph (4) ar , upon compl tion of th transf rs author-iz d in paragraph (5)(F)(ii), transf rr d to th primary jurisdic-tion of th S cr tary of th Air Forc , who shall manag th lands in accordanc with th m morandum of und rstanding r f rr d to in paragraph (5)(E). Th S cr tary of th Int rior shall r tain s condary jurisdiction ov r th lands for wildlif cons rvation purpos s.

(4) LAND DESCRIPTION.—Th public lands and int r sts in lands withdrawn and r s rv d by paragraphs (1) and (2) com-pris approximat ly 2,919,890 acr s of land in Clark, Lincoln, and Ny Counti s, N vada, as g n rally d pict d on th map ntitl d "N vada T st and Training Rang , Propos d With-drawal Ext nsion", dat d April 22, 1999, and fil d in accordanc with s ction 3012.

(5) DESERT NATIONAL WILDLIFE REFUGE.—

(A) MANAGEMENT.—During th p riod of withdrawal and r s rvation of lands by this subtitl , th S cr tary of th Int rior shall x rcis administrativ jurisdiction ov r th D s rt National Wildlif R fug (xc pt for th lands r f rr d to in this subs ction) through th Unit d Stat s Fish and Wildlif S rvic in accordanc with th National Wildlif R fug Syst m Administration Act of 1966 (16 U.S.C. 668dd t s q.), this subtitl , and oth r laws applicabl to th National Wildlif R fug Syst m.

(B) USE OF MINERAL MATERIALS.—Notwithstanding any oth r provision of this subtitl or th Act of July 31, 1947 (commonly known as th Mat rials Act of 1947; 30 U.S.C. 601 t s q.), no min ral mat rial r sourc s may b obtain d from th parts of th D s rt National Wildlif R fug that ar not d pict d as impact ar as on th map r f rr d to in paragraph (4), xc pt in accordanc with th proc -dur s s t forth in th m morandum of und rstanding r f rr d to in subparagraph (E).

(C) ACCESS RESTRICTIONS.—If th S cr tary of th Air Forc d t rmin s that military op rations, public saf ty, or national s curity r quir th closur to th public of any road, trail, or oth r portion of th D s rt National Wildlif R fug that is withdrawn by this subtitl , th S cr tary of th Int rior shall tak action to ff ct and maintain such closur , including agr ing to am nd th

m morandum of und rstanding r f rr d to in subparagraph (E) to stablish n w or nhanc d surfac saf ty zon s.

(D) EFFECT OF SUBTITLE.—N ith r th withdrawal und r paragraph (1) nor any oth r provision of this subtitl , xc pt this subs ction and subs ctions (a) and (b) of s ction 3014, shall b constru d to ff ct th following:

(i) Th National Wildlif R fug Syst m Administration Act of 1966 (16 U.S.C. 668dd t s q.) or any oth r law r lat d to manag m nt of th National Wildlif R fug Syst m.

(ii) Any Ex cutiv ord r or public land ord r in ff ct on th dat of th nactm nt of this Act with r sp ct to th D s rt National Wildlif R fug .

(iii) Any m morandum of und rstanding b tw n th S cr tary of th Int rior and th S cr tary of th Air Forc conc rning th joint us of lands withdrawn for us by th Air Forc within th xt rnal boundari s of th D s rt National Wildlif R fug , xc pt to th xt nt th provisions of such m morandum of und rstanding ar inconsist nt with th provisions of this subtitl , in which cas such m morandum of und rstanding shall b r vi w d and am nd d to conform to th provisions of this titl not lat r than 120 days aft r th dat of th nactm nt of this Act.

(E) MEMORANDUM OF UNDERSTANDING.—(i) Th S cr tary of th Int rior, in coordination with th S cr tary of th Air Forc , shall manag th portion of th D s rt National Wildlif R fug withdrawn by this subtitl , xc pt for th lands r f rr d to in paragraph (3), for th purpos s for which th r fug was stablish d, and to support curr nt and futur military aviation training n ds consist nt with th curr nt m morandum of und rstanding b tw n th D partm nt of th Air Forc and th D partm nt of th Int rior, including any xt nsion or oth r am ndm nt of such m morandum of und rstanding as provid d und r this subparagraph.

(ii) As part of th r vi w of th xisting m morandum of und rstanding provid d for in this paragraph, th S cr tary of th Int rior and th S cr tary of th Air Forc shall xt nd th m morandum of und rstanding for a p riod that coincid s with th duration of th withdrawal of th lands constituting N llis Air Forc Rang und r this subtitl .

(iii) Nothing in this paragraph shall b constru d as prohibiting th S cr tary of th Int rior and th S cr tary of th Air Forc from r vising th m morandum of und rstanding at any futur tim should th y mutually agr to do so.

Eff ctiv dat .

(iv) Am ndm nts to th m morandum of und rstanding shall tak ff ct 90 days aft r th dat on which th S cr tary of th Int rior submits notic of such am ndm nts to th Committ s on Environm nt and Public Works, En rgy and Natural R sourc s, and Arm d S rvic s of th S nat and th Committ s on R sourc s and Arm d S rvic s of th Hous of R pr s ntativ s.

(F) ACQUISITION OF REPLACEMENT PROPERTY.—(i) In addition to any oth r amounts authoriz d to b appropriat d by s ction 3041, th r ar h r by authoriz d to b appropriat d to th S cr tary of th Air Forc such sums as may b n c ssary for th r plac m nt of National Wildlif R fug Syst m lands in N vada cov r d by this subs ction.

(ii) Th S cr tary of th Air Forc may, using funds appropriat d pursuant to th authorization of appropriations in claus (i) to—

(I) acquir lands, wat rs, or int r sts in lands or wat rs in N vada pursuant to claus (i) which ar acc ptabl to th S cr tary of th Int rior, and transf r such lands to th S cr tary of th Int rior; or

(II) transf r such funds to th S cr tary of th Int rior for th purpos of acquiring such lands.

(iii) Th transf rs authoriz d by claus (ii) shall b d m d compl t upon writt n notification from th S cr tary of th Int rior to th S cr tary of th Air Forc that lands, or funds, qual to th amount appropriat d pursuant to th authorization of appropriations in claus (i) hav b n r c iv d by th S cr tary of th Int rior from th S cr tary of th Air Forc .

(c) FORT GREELY AND FORT WAINWRIGHT TRAINING RANGES, ALASKA.—

(1) WITHDRAWAL AND RESERVATION.—Subj ct to valid xisting rights and xc pt as oth rwis provid d in this subtitl , all lands and int r sts in lands within th boundari s stablish d at th Fort Gr ly East and W st Training Rang s and th Yukon Training Rang of Fort Wainwright, as r f rr d to in paragraph (2), ar h r by withdrawn from all forms of appropriation und r th public land laws, including th mining laws and th min ral l asing and g oth rmal l asing laws. Such lands ar r s rv d for us by th S cr tary of th Army for—

(A) military man uv ring, training, and quipm nt d v lopm nt and t sting;

(B) training for a rial gunn ry, rock try, l ctronic warfar , and tactical man uv ring and air support; and

(C) oth r d f ns -r lat d purpos s consist nt with th purpos s sp cifi d in this paragraph.

(2) LAND DESCRIPTION.—Th public lands and int r sts in lands withdrawn and r s rv d by this subs ction compris approximat ly 869,862 acr s of land in th Fairbanks North Star Borough and th Unorganiz d Borough, Alaska, as g nrally d pict d on th map ntitl d "Fort Wainwright and Fort Gr ly R gional Cont xt Map", dat d Jun 3, 1987, and fil d in accordanc with s ction 3012.

(d) MCGREGOR RANGE, FORT BLISS, NEW MEXICO.—

(1) WITHDRAWAL AND RESERVATION.—Subj ct to valid xisting rights and xc pt as oth rwis provid d in this subtitl , all lands and int r sts in lands within th boundari s stablish d at th McGr gor Rang of Fort Bliss, as r f rr d to in paragraph (2), ar h r by withdrawn from all forms of appropriation und r th public land laws, including th mining laws and th min ral l asing and g oth rmal l asing laws. Such lands ar r s rv d for us by th S cr tary of th Army for—

(A) military maneuvering, training, and equipment development and testing;

(B) training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support associated with the Air Force Tactical Target Complex; and

(C) other defense-related purposes consistent with the purposes specified in this paragraph.

(2) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise 608,385 acres of land in Otero County, New Mexico, as generally depicted on the map entitled "McGregor Range Withdrawal", dated June 3, 1999, and filed in accordance with section 3012.

SEC. 3012. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

Federal Register, publication.

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this subtitle; and

(2) file maps and the legal descriptions of the lands withdrawn and reserved by this subtitle with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if included in this subtitle, except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the offices of the Director and appropriate State Directors and field office managers of the Bureau of Land Management, the office of the commander, Naval Air Station Fallon, Nevada, the offices of the Director and appropriate Regional Directors of the United States Fish and Wildlife Service, the office of the commander, Nellis Air Force Base, Nevada, the office of the commander, Fort Bliss, Texas, the office of the commander, Fort Greely, Alaska, the office of the commander, Fort Wainwright, Alaska, and the Office of the Secretary of Defense.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this section.

SEC. 3013. TERMINATION OF WITHDRAWALS IN MILITARY LANDS WITHDRAWAL ACT OF 1986.

Except as otherwise provided in this title, the withdrawals made by the Military Lands Withdrawal Act of 1986 (Public Law 99–606) shall terminate after November 6, 2001.

SEC. 3014. MANAGEMENT OF LANDS.

(a) MANAGEMENT BY SECRETARY OF INTERIOR.—

(1) APPLICABLE LAW.—During the period of the withdrawal of lands under this subtitle, the Secretary of the Interior shall manage the lands withdrawn by section 3011 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), other applicable law, and this subtitle. The Secretary shall manage the lands within the Desert National Wildlife Refuge in accordance with the National Wildlife Refuge

Syst m Administration Act of 1966 (16 U.S.C. 668dd t s q.) and oth r applicabl law. No provision of this subtitl , xc pt s ctions 3011(b)(5)(D), 3020, and 3021, shall apply to th manag m nt of th D s rt National Wildlif R fug .

(2) ACTIVITIES AUTHORIZED.—To th xt nt consist nt with applicabl law and Ex cutiv ord rs, th lands withdrawn by s ction 3011 may b manag d in a mann r p rmitting—

(A) th continuation of grazing wh r p rmitt d on th dat of th nactm nt of this Act;

(B) th prot ction of wildlif and wildlif habitat;

(C) th control of pr datory and oth r animals;

(D) r cr ation; and

(E) th pr v ntion and appropriat suppr ssion of brush and rang fir s r sulting from nonmilitary activiti s.

(3) NONMILITARY USES.—

(A) IN GENERAL.—All nonmilitary us of th lands r f rr d to in paragraph (2), oth r than th us s d scrib d in that paragraph, shall b subj ct to such conditions and r strictions as may b n c ssary to p rmit th military us of such lands for th purpos s sp cifi d in or authoriz d pursuant to this subtitl .

(B) LEASES, EASEMENTS, AND RIGHTS-OF-WAY.—Th S cr tary of th Int rior may issu a l as , as m nt, right-of-way, or oth r authorization with r sp ct to th nonmilitary us of lands r f rr d to in paragraph (2) only with th concurr nc of th S cr tary of th military d partm nt conc rn d.

(b) CLOSURE TO PUBLIC.—

(1) IN GENERAL.—If th S cr tary of th military d partm nt conc rn d d t rmin s that military op rations, public saf ty, or national s curity r quir th closur to public us of any road, trail, or oth r portion of lands withdrawn by this subtitl , that S cr tary may tak such action as that S cr tary d t rmin s n c ssary or d sirabl to ff ct and maintain such closur .

(2) LIMITATIONS.—Any closur und r paragraph (1) shall b limit d to th minimum ar as and p riods which th S cr tary of th military d partm nt conc rn d d t rmin s ar r quir d to carry out this subs ction.

(3) NOTICE.—B for and during any closur und r this subs ction, th S cr tary of th military d partm nt conc rn d shall—

(A) k p appropriat warning notic s post d; and

(B) tak appropriat st ps to notify th public conc rning such closur .

(c) MANAGEMENT PLAN.—Th S cr tary of th Int rior, aft r consultation with th S cr tary of th military d partm nt conc rn d, shall d v lop a plan for th manag m nt of ach ar a withdrawn by s ction 3011 during th p riod of withdrawal und r this subtitl . Each plan shall—

(1) b consist nt with applicabl law;

(2) b subj ct to th conditions and r strictions sp cifi d in subs ction (a)(3);

(3) includ such provisions as may b n c ssary for prop r manag m nt and prot ction of th r sourc s and valu s of such ar a; and

(4) b d v lop d not lat r than two y ars aft r th dat of th nactm nt of this Act.

(d) BRUSH AND RANGE FIRES.—

(1) IN GENERAL.—Th S cr tary of th military d partm nt conc rn d shall tak n c ssary pr cautions to pr v nt and suppr ss brush and rang fir s occurring within and outsid lands withdrawn by s ction 3011 as a r sult of military activiti s and may s k assistanc from th Bur au of Land Manag m nt in th suppr ssion of such fir s.

(2) ASSISTANCE.—Each m morandum of und rstanding r quir d by subs ction ( ) shall—

(A) r quir th Bur au of Land Manag m nt to provid assistanc in th suppr ssion of fir s und r paragraph (1) upon th r qu st of th S cr tary of th military d partm nt conc rn d; and

(B) provid for a transf r of funds from th military d partm nt conc rn d to th Bur au of Land Manag m nt as comp nsation for any assistanc so provid d.

( ) MEMORANDUM OF UNDERSTANDING.—

(1) REQUIREMENT.—Th S cr tary of th Int rior and th S cr tary of th military d partm nt conc rn d shall, with r sp ct to ach lands withdrawn by s ction 3011, nt r into a m morandum of und rstanding to impl m nt th manag m nt plan for such lands und r subs ction (c).

(2) DURATION.—Th duration of any m morandum of und rstanding for lands withdrawn by s ction 3011 shall b th sam as th p riod of th withdrawal of such lands und r this subtitl .

(f) ADDITIONAL MILITARY USES.—

(1) IN GENERAL.—Lands withdrawn by s ction 3011 (xc pt lands within th D s rt National Wildlif R fug) may b us d for d f ns -r lat d purpos s oth r than thos sp cifi d in th applicabl provisions of such s ction.

(2) NOTICE.—Th S cr tary of D f ns shall promptly notify th S cr tary of th Int rior in th v nt that lands withdrawn by this subtitl will b us d for d f ns -r lat d purpos s oth r than thos sp cifi d in th applicabl provisions of s ction 3011.

(3) CONTENTS OF NOTICE.—A notic und r paragraph (2) shall indicat th additional us or us s involv d, th propos d duration of such us or us s, and th xt nt to which such us or us s will r quir that additional or mor string nt conditions or r strictions b impos d on oth rwis p rmitt d nonmilitary us s of th lands conc rn d, or portions th r of.

SEC. 3015. DURATION OF WITHDRAWAL AND RESERVATION.

(a) GENERAL TERMINATION DATE.—Th withdrawal and r s rvation of lands by s ction 3011 shall t rminat 25 y ars aft r Nov mb r 6, 2001, xc pt as oth rwis provid d in this subtitl and xc pt for th withdrawals provid d for und r subs ctions (a) and (b) of s ction 3011 which shall t rminat 20 y ars aft r Nov mb r 6, 2001.

(b) COMMENCEMENT DATE FOR CERTAIN LANDS.—As to th lands withdrawn for military purpos s by s ction 3011, but not withdrawn for military purpos s by s ction 1 of th Military Lands Withdrawal Act of 1986 (Public Law 99–606), th withdrawal of such lands shall b com ff ctiv on th dat of th nactm nt of this Act.

(c) OPENING DATE.—On th dat of th t rmination of th withdrawal and r s rvation of lands und r this subtitl , such lands shall not b op n to any form of appropriation und r th public land laws, including th min ral laws and th min ral l asing and g oth rmal l asing laws, until th S cr tary of th Int rior publish s in th F d ral R gist r an appropriat ord r stating th dat upon which such lands shall b r stor d to th public domain and op n d. F d ral R gist r, publication.

SEC. 3016. EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.

(a) IN GENERAL.—Not lat r than thr y ars b for th t rmination dat of th initial withdrawal and r s rvation of lands und r this subtitl , th S cr tary of th military d partm nt conc rn d shall notify Congr ss and th S cr tary of th Int rior conc rning wh th r th military d partm nt will hav a continuing military n d aft r such t rmination dat for all or any portion of such lands.

(b) DUTIES REGARDING CONTINUING MILITARY NEED.—

(1) IN GENERAL.—If th S cr tary of th military d partm nt conc rn d d t rmin s that th r will b a continuing military n d for any lands withdrawn by this subtitl , th S cr tary of th military d partm nt conc rn d shall—

(A) consult with th S cr tary of th Int rior conc rning any adjustm nts to b mad to th xt nt of, or to th allocation of manag m nt r sponsibility for, such lands; and

(B) fil with th S cr tary of th Int rior, within on y ar aft r th notic r quir d by subs ction (a), an application for xt nsion of th withdrawal and r s rvation of such lands.

(2) APPLICATION FOR EXTENSION.—Notwithstanding any g n ral proc dur of th D partm nt of th Int rior for proc ssing F d ral land withdrawals, an application for xt nsion und r paragraph (1) shall b consid r d compl t if th application includ s th following:

(A) Th information r quir d by s ction 3 of th Engl Act (43 U.S.C. 157), xc pt that no information shall b r quir d conc rning th us or d v lopm nt of min ral, timb r, or grazing r sourc s unl ss, and to th xt nt, th S cr tary of th military d partm nt conc rn d propos s to us or d v lop such r sourc s during th p riod of xt nsion.

(B) A copy of th most r c nt r port pr par d in accordanc with th Sik s Act (16 U.S.C. 670 t s q.).

(c) LEGISLATIVE PROPOSALS.—Th S cr tary of th Int rior and th S cr tary of th military d partm nt conc rn d shall nsur that any l gislativ proposal for th xt nsion of th withdrawal and r s rvation of lands und r this subtitl is submitt d to Congr ss not lat r than May 1 of th y ar pr c ding th y ar in which th withdrawal and r s rvation of such lands would oth rwis t rminat und r this subtitl .

(d) NOTICE OF INTENT REGARDING RELINQUISHMENT.—If during th p riod of th withdrawal and r s rvation of lands und r this subtitl , th S cr tary of th military d partm nt conc rn d d cid s to r linquish all or any of th lands withdrawn and r s rv d by s ction 3011, such S cr tary shall transmit a notic of int nt to r linquish such lands to th S cr tary of th Int rior.

SEC. 3017. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout th duration of th withdrawal of lands und r this subtitl , th S cr tary of th military d partm nt conc rn d shall, to th xt nt funds ar availabl for such purpos , maintain a program of d contamination of such lands consist nt with applicabl F d ral and Stat law.

(b) REPORTS.—

D adlin .

(1) REQUIREMENT.—Not lat r than 45 days aft r th dat on which th Pr sid nt transmits to Congr ss th Pr sid nt's propos d budg t for any fiscal y ar b ginning aft r th dat of th nactm nt of this Act, th S cr tary of ach military d partm nt shall transmit to th Committ s on Appropriations, Arm d S rvic s, and En rgy and Natural R sourc s of th S nat and th Committ s on Appropriations, Arm d S rvic s, and R sourc s of th Hous of R pr s ntativ s a d scription of th d contamination fforts und rtak n on lands und r this subtitl und r th jurisdiction of such S cr tary during th pr vious fiscal y ar and th d contamination activiti s propos d to b und rtak n on such lands during th n xt fiscal y ar.

(2) REPORT ELEMENTS.—Each r port shall sp cify th following:

(A) Amounts appropriat d and obligat d or xp nd d for d contamination of such lands.

(B) Th m thods us d to d contaminat such lands.

(C) Th amounts and typ s of d contaminants r mov d from such lands.

(D) Th stimat d typ s and amounts of r sidual contamination on such lands.

(E) An stimat of th costs for full d contamination of such lands and th stimat of th tim to compl t such d contamination.

(c) DECONTAMINATION BEFORE RELINQUISHMENT.—

(1) DUTIES BEFORE NOTICE OF INTENT TO RELINQUISH.—B for transmitting a notic of int nt to r linquish lands und r s ction 3016(d), th S cr tary of D f ns , acting through th S cr tary of th military d partm nt conc rn d, shall pr par a writt n d t rmination conc rning wh th r and to what xt nt such lands ar contaminat d with xplosiv , toxic, or oth r hazardous mat rials.

(2) DETERMINATION ACCOMPANIES NOTICE.—A copy of any d t rmination pr par d with r sp ct to lands und r paragraph (1) shall b transmitt d tog th r with th notic of int nt to r linquish such lands und r s ction 3016(d).

F d ral R gist r, publication.

(3) PUBLICATION OF NOTICE AND DETERMINATION.—Th S cr tary of th Int rior shall publish in th F d ral R gist r a copy of any notic of int nt to r linquish and d t rmination conc rning th contaminat d stat of th lands that is transmitt d und r this subs ction.

(d) ALTERNATIVES TO DECONTAMINATION BEFORE RELINQUISHMENT.—If th S cr tary of th Int rior, aft r consultation with th S cr tary of th military d partm nt conc rn d, d t rmin s that d contamination of any land which is th subj ct of a notic of int nt to r linquish und r s ction 3016(d) is not practicabl or conomically f asibl , or that such land cannot b d contaminat d suffici ntly to b op n d to th op ration of som or all of th public land laws, or if Congr ss do s not appropriat suffici nt

funds for th d contamination of such land, th S cr tary of th Int rior shall not b r quir d to acc pt such land for r linquishm nt.

( ) STATUS OF CONTAMINATED LANDS.—If b caus of th ir contaminat d stat th S cr tary of th Int rior d clin s to acc pt jurisdiction ov r lands withdrawn by this subtitl which hav b n propos d for r linquishm nt, or if at th xpiration of th withdrawal of such lands by this subtitl th S cr tary of th Int rior d t rmin s that som of such lands ar contaminat d to an xt nt which pr v nts op ning such lands to op ration of th public land laws—

(1) th S cr tary of th military d partm nt conc rn d shall tak appropriat st ps to warn th public of th contaminat d stat of such lands and any risks associat d with ntry onto such lands;

(2) aft r th xpiration of th withdrawal of such lands und r this subtitl , th S cr tary of th military d partm nt conc rn d shall und rtak no activiti s on such lands xc pt in conn ction with d contamination of such lands; and

(3) th S cr tary of th military d partm nt conc rn d shall submit to th S cr tary of th Int rior and Congr ss a r port on th status of such lands and all actions tak n und r this subs ction.

(f) REVOCATION AUTHORITY.—

(1) AUTHORITY.—Notwithstanding any oth r provision of law, th S cr tary of th Int rior, upon d ciding that it is in th public int r st to acc pt jurisdiction ov r lands propos d for r linquishm nt und r s ction 3016(d), may r vok th withdrawal and r s rvation of lands und r this subtitl as it appli s to such lands.

(2) ORDER.—Should a d cision b mad to r vok th withdrawal and r s rvation of lands und r paragraph (1), th S cr tary of th Int rior shall publish in th F d ral R gist r an appropriat ord r which shall— F d ral R gist r, publication.

(A) t rminat th withdrawal and r s rvation of such lands und r this subtitl ;

(B) constitut official acc ptanc of full jurisdiction ov r such lands by th S cr tary of th Int rior; and

(C) stat th dat on which such lands will b op n d to th op ration of som or all of th public lands laws, including th mining laws.

SEC. 3018. DELEGATION.

(a) MILITARY DEPARTMENTS.—Th functions of th S cr tary of D f ns , or of th S cr tary of a military d partm nt, und r this subtitl may b d l gat d.

(b) DEPARTMENT OF INTERIOR.—Th functions of th S cr tary of th Int rior und r this subtitl may b d l gat d, xc pt that an ord r d scrib d in s ction 3017(f)(2) may b approv d and sign d only by th S cr tary of th Int rior, th Und r S cr tary of th Int rior, or an Assistant S cr tary of th Int rior.

SEC. 3019. WATER RIGHTS.

Nothing in this subtitl shall b constru d to stablish a r srvation to th Unit d Stat s with r sp ct to any wat r or wat r right on lands cov r d by s ction 3011. No provision of this subtitl shall b constru d as authorizing th appropriation of wat r on lands cov r d by s ction 3011 by th Unit d Stat s aft r th dat of th nactm nt of this Act, xc pt in accordanc with th law

of th Stat in which such lands ar locat d. This s ction shall not b constru d to aff ct wat r rights acquir d by th Unit d Stat s b for th dat of th nactm nt of this Act.

SEC. 3020. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on lands withdrawn by this subtitl shall b conduct d in accordanc with th provisions of s ction 2671 of titl 10, Unit d Stat s Cod , xc pt that hunting, fishing, and trapping within th D s rt National Wildlif R fug shall b conduct d in accordanc with th National Wildlif R fug Syst m Administration Act of 1966 (16 U.S.C. 668dd t s q.), th R cr ation Us of Wildlif Ar as Act of 1969 (16 U.S.C. 460k t s q.), and oth r laws applicabl to th National Wildlif R fug Syst m.

SEC. 3021. MINING AND MINERAL LEASING.

(a) DETERMINATION OF LANDS SUITABLE FOR OPENING.—

(1) DETERMINATION.—As soon as practicabl aft r th dat of th nactm nt of this Act and at l ast v ry fiv y ars th r aft r, th S cr tary of th Int rior shall d t rmin , with th concurr nc of th S cr tary of th military d partm nt conc rn d, which public and acquir d lands cov r d by s ction 3011 th S cr tary of th Int rior consid rs suitabl for op ning to th op ration of th Mining Law of 1872, th Min ral Lands L asing Act of 1920, th Min ral L asing Act for Acquir d Lands of 1947, th G oth rmal St am Act of 1970, or any on or mor of such Acts.

(2) EXCEPTIONS.—Th S cr tary of th Int rior may not mak any d t rmination oth rwis r quir d und r paragraph (1) with r sp ct to lands contain d within th D s rt National Wildlif R fug in N vada.

F d ral R gist r, publication.

(3) NOTICE.—Th S cr tary of th Int rior shall publish a notic in th F d ral R gist r listing th lands d t rmin d suitabl for op ning und r this subs ction and sp cifying th op ning dat for such lands.

F d ral R gist r, publication.

(b) OPENING LANDS.—On th dat sp cifi d by th S cr tary of th Int rior in a notic publish d in th F d ral R gist r und r subs ction (a), th land id ntifi d und r that subs ction as suitabl for op ning to th op ration of on or mor of th laws sp cifi d in that subs ction shall automatically b op n to th op ration of such laws without th n c ssity for furth r action by th S cr tary or Congr ss.

(c) EXCEPTION FOR COMMON VARIETIES.—No d posit of min rals or mat rials of th typ s id ntifi d by s ction 3 of th Act of July 23, 1955 (69 Stat. 367), wh th r or not includ d in th t rm "common vari ti s" in that Act, shall b subj ct to location und r th Mining Law of 1872 on lands cov r d by s ction 3011.

(d) REGULATIONS.—Th S cr tary of th Int rior, with th advic and concurr nc of th S cr tary of th military d partm nt conc rn d, shall pr scrib such r gulations to carry out this s ction as may b n c ssary to assur saf , unint rrupt d, and unimp d d us of th lands cov r d by s ction 3011 for military purpos s. Such r gulations shall also contain guid lin s to assist mining claimants in d t rmining how much, if any, of th surfac of any lands op n d pursuant to this s ction may b us d for purpos s incid nt to mining.

( ) CLOSURE OF MINING LANDS.—In th v nt of a national m rg ncy or for purpos s of national d f ns or s curity, th

S cr tary of th Int rior, at th r qu st of th S cr tary of th military d partm nt conc rn d, shall clos any lands that hav b n op n d to mining or to min ral or g oth rmal l asing pursuant to this s ction.

(f) LAWS GOVERNING MINING ON WITHDRAWN LANDS.—

(1) IN GENERAL.—Exc pt as oth rwis provid d in this subtitl , mining claims locat d pursuant to this subtitl shall b subj ct to th provisions of th mining laws. In th v nt of a conflict b tw n such laws and this subtitl , this subtitl shall pr vail.

(2) REGULATION UNDER FLPMA.—Any mining claim locat d und r this subtitl shall b subj ct to th provisions of th F d ral Land Policy and Manag m nt Act of 1976 (43 U.S.C. 1701 t s q.).

(g) PATENTS.—

(1) IN GENERAL.—Pat nts issu d pursuant to this subtitl for locatabl min rals shall conv y titl to locatabl min rals only, tog th r with th right to us so much of th surfac as may b n c ssary for purpos s incid nt to mining und r th guid lin s for such us stablish d by th S cr tary of th Int rior by r gulation.

(2) RESERVATION.—All pat nts r f rr d to in paragraph (1) shall contain a r s rvation to th Unit d Stat s of th surfac of all lands pat nt d and of all nonlocatabl min rals on such lands.

(3) LOCATABLE MINERALS.—For purpos s of this subs ction, all min rals subj ct to location und r th Mining Law of 1872 ar r f rr d to as "locatabl min rals".

SEC. 3022. USE OF MINERAL MATERIALS.

Notwithstanding any oth r provision of this subtitl (xc pt as provid d in s ction 3011(b)(5)(B)), or th Act of July 31, 1947 (commonly known as th Mat rials Act of 1947; 30 U.S.C. 601 t s q.), th S cr tary of th military d partm nt conc rn d may us sand, grav l, or similar min ral mat rial r sourc s of th typ subj ct to disposition und r that Act from lands withdrawn and r s rv d by this subtitl if us of such r sourc s is r quir d for construction n ds on such lands.

SEC. 3023. IMMUNITY OF UNITED STATES.

Th Unit d Stat s and all d partm nts or ag nci s th r of shall b h ld harml ss and shall not b liabl for any injuri s or damag s to p rsons or prop rty suff r d in th cours of any mining or min ral or g oth rmal l asing activity conduct d on lands cov r d by s ction 3011.

Subtitle B—Withdrawals in Arizona

SEC. 3031. BARRY M. GOLDWATER RANGE, ARIZONA.

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subj ct to valid xisting rights and xc pt as oth rwis provid d in this titl , all lands and int r sts in lands within th boundari s stablish d at th Barry M. Goldwat r Rang , r f rr d to in paragraph (3), ar h r by withdrawn from all forms of appropriation und r th g n ral land laws, including th mining laws and th min ral l asing and g oth rmal l asing laws, and jurisdiction ov r such lands

Appendix C

Applicable Major Laws, Regulations, and Policies

APPENDIX C
APPLICABLE MAJOR LAWS, REGULATIONS, AND POLICIES

Numerous laws, regulations, and policies apply to the management of resources on McGregor Range; major applicable laws, regulations, and policies are summarized in Table C-1.

TABLE C-1
APPLICABLE MAJOR LAWS, REGULATIONS, AND POLICIES

Law/ Regulation	Applies to
American Indian Religious Freedom Act of 1978; 42 U.S.C. 1996	American Indian religious places and access
Antiquities Act of 1906	Cultural resources
Archaeological and Historic Preservation Act of 1974	Cultural resources
Archeological Resources Protection Act of 1979; 16 U.S.C. 470	Archaeological resources
Bald Eagle Protection Act of 1940	Bald and Golden Eagle
Carlson Foley Act	Noxious weeds
Clean Air Act of 1970, as amended 1990; 42 U.S.C. 7401 *et seq.*	Air quality
Clean Water Act , as amended; 33 U.S.C. 1252 *et seq.*	Surface water quality
Comprehensive Environmental Response, Compensation and Liability Act of 1986	Hazardous substances reporting and cleanup
Curation of Federally owned and Administered Archaeological Collections, 36 CFR 79	Cultural resources
Endangered Species Act; 16 U.S.C. 1531 *et seq.*, as amended	Threatened and endangered species
Federal Cave Resource Protection Act of 1988	Paleontological resources
Federal Coal Leasing Amendments Act of 1976; 30 U.S.C. 201	Federal coal leasing
Federal Land Policy and Management Act of 1976; 43 U.S.C. 1700, *et seq.*	Federal land, special management areas
Federal Noxious Weed Act of 1974, as amended	Noxious weeds
Federal Oil and Gas Royalty Management Act of 1982	Mineral leasing
Federal Onshore Oil and Gas Leasing Reform Act of 1987, 43 U.S.C. 31(a)	Mineral leasing
Federal Water Pollution Control Act, as amended 1972	Watersheds
Fundamentals of Rangeland Health and Standards and Guidelines for Rangeland Administration, 43 CFR 4000 Section 4180	Rangeland health
General Mining Law of 1972; 30 U.S.C. 22-54	Mining
Geothermal Steam Act of 1970	Energy and minerals
Historic Sites Act of 1935	Cultural resources
Migratory Bird Treaty Act of 1989	Migratory birds
Mineral Leasing Act of 1920	Mineral leasing

Law/ Regulation	Applies to
Mineral Leasing Act of 1947; 30 U.S.C. 351, 352, 354, 359	Mineral leasing
Mining and Mineral Policy Act of 1970; 30 U.S.C. 219	Mining
Mining Law of 1872, as amended	Mining claims
National Environmental Policy Act of 1969 and implementing regulations 40 CFR 1500-1508	Federal undertakings
National Historic Preservation Act of 1966; 16 U.S.C. 470	Archaeological and historic properties
National Materials and Minerals Policy Research Development Act of 1980	Mineral resources
Native American Grave Protection and Repatriation Act of 1990	Cultural resources
Research and Development Act of 1980	Energy and minerals
Reservoir Salvage Act of 1960	Cultural resources
Resource Conservation and Recovery Act of 1986, as amended	Hazardous and solid waste
Soil and Water Conservation Act of 1977	Soils
Surface Mining Control and Reclamation Act of 1977; 30 U.S.C. 1201 *et seq.*	Surface mining
Water Quality Act of 1987	Riparian area, wetlands
Watershed Protection and Flood Control Act of 1954	Watersheds
White House Memorandum on Government-to-Government Relations with Native America Tribal Governments of 1994	Cultural resources
Executive Order 11593	Preservation of the cultural environment
Executive Order 11988	Floodplain management
Executive Order 11990	Wetlands, riparian zones
Executive Order 12898	Environmental justice
Executive Order 13007	Sacred sites
Executive Order 13112	Invasive species
Executive Order 13186	Protection of migratory birds

Appendix D

Noxious Weed Management Plan

APPENDIX D
NOXIOUS WEED MANAGEMENT PLAN

The noxious weed management plan incorporates measures to (1) inventory noxious weeds on McGregor Range (giving priority to roads for survey and subsequent treatment); (2) maintain a noxious weeds inventory database; (3) take actions to prevent or minimize the need for vegetation control when and where feasible, considering the management objectives for the site; (4) use effective integrated methods of vegetation control including biological, chemical, cultural, mechanical, and physical methods when and where feasible (using herbicides if necessary after considering the effectiveness of all potential methods or in combination with other methods or controls); and (5) apply stipulations for control of noxious weeds, as follows:

- Minerals:
  - Inspect gravel pits and fill sources to identify weed infestations. Do not allow removal of materials that could be contaminated with noxious weeds.
  - Include weed prevention and treatment in all sand and gravel activity plans. The permit holder should be required to control weeds aggressively within the scope of their operations to prevent the introduction and spread of weeds off of the disturbed sites.
- Recreation: Sign main access points for weed awareness and weed prevention techniques.
- Range Management: Monitor grazing units to prevent weed introductions at corrals, salt licks, watering sites, and sensitive soil condition areas. Remove and/or treat weeds when found.
- BLM authorized construction:
  - Minimize the removal of vegetation and disturbance of soil during construction, reconstruction, and maintenance activities. Reseed and/or reclaim disturbed areas with native seeds certified as weed free for the area affected.
  - Use weed-free soil, gravel, and other fill material.
  - Clean construction equipment (power or high-pressure cleaning) of all mud, dirt, and plant parts before moving into the construction site.
  - Incorporate weed prevention mitigating measures into improvement project stipulations.
- Fire:
  - Include prevention measures in all activities; i.e., washing fire trucks (coming into and leaving the fire area, if they have worked in weed contaminated areas).
  - During fire rehabilitation, reseed all disturbed soil with native seeds that have been certified as weed free, and use materials that are weed free, for erosion control. Consider weed prevention factors in all silvicultural prescriptions (thinning, fuelwood).
- General:

- Identify and document newly introduced weed species in formerly uninfested areas. Coordinate weed prevention and early detection efforts with State, local, and Fort Bliss weed-management entities.

- Inventory new weed infestations and provide appropriate control measure immediately to prevent their spread.

Review all land-surface-disturbing activities—such as watershed improvement projects, recreation or road improvement—and apply appropriate control and/or prevention practices as identified in the current weed management plan.